



The Gazette of India



PUBLISHED BY AUTHORITY

No. 20] NEW DELHI, SATURDAY, MAY 14, 1960/VAISAKHA 24, 1882

NOTICE

The undermentioned Gazzettes of India Extraordinary were published upto the 5th May 1960 :—

Issue No.	No. and date	Issued by	Subject
91	S.O. 1077, dated 29th April, 1960.	Ministry of Transport and Communications.	The Bombay State Road Transport Corporation (Reorganisation) and Kutch and Saurashtra State Road Transport Corporation (Dissolution) Order, 1960.
92	S. O. 1078, dated 30th April, 1960.	Ministry of Finance.	The Estate Duty (Distribution) Amendment Rules, 1960.
	S. O. 1079, dated 30th April, 1960.	Do.	The Union Duties of Excise (Distribution) Amendment Rules, 1960.
	S. O. 1080, dated 30th April, 1960.	Do.	The tax on Railway Passenger-Fares (Distribution) Amendment Rules, 1960.
	S. O. 1081, dated 30th April, 1960.	Do.	The Additional Duties of Excise (Distribution) Amendment Rules, 1960.
93	S. O. 1082, dated 1st May, 1960.	Do.	Details regarding empowering the Collector of Customs and Central Excise, Cochin to hear appeals from the decisions passed by officers of Customs subordinate to him.
	S. O. 1083, dated 1st May, 1960.	Do.	Further amendments to notification No. 6-Customs, dated 18th January, 1952.
	S. O. 1084, dated 1st May, 1960.	Central Board of Revenue.	Amendment to notification dated 10th March, 1910, published on Page 526 of the Fort St. George Gazette, Part II, dated 15th March, 1910.
	S. O. 1085, dated 1st May, 1960.	Do.	Rescinding Notification No. 51-Customs, dated 20th August, 1952.

Issue No.	No. and date	Issued by	Subject
94	S. O. 1162, dated 4th May, 1960.	Ministry of Commerce & Industry	With reference to S.R.Os. 2618 dated 30th July, 1954, 1509 dated 12th July 1955 and S. O. 2462 dated 24th November, 1958, direction that powers shall be exercisable also by the Officers given therein under sections also given therein.
95	S. O. 1163, dated 4th May, 1960.	Ministry of Information and Broadcasting.	Approval of films specified therein.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 5th May 1960

S.O. 1166.—In continuation of the Election Commission's notification No. 82/28/54 dated the 13th February, 1957, (S.R.O. 533) published in the Gazette of India, Extraordinary, Part II, Section 3 dated the 19th February, 1957, the Election Commission hereby publishes the Judgment of the High Court of Judicature at Madras, delivered on the 8th January, 1960, on Writ Appeal No. 65 of 1957 filed by Shri G. Vasantha Pai, against the Order of the Honourable Mr. Justice Rajagopal Ayyangar dated the 26th November, 1956 in Writ Petition No. 476 of 1956.

COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS (APPELLATE JURISDICTION)

Friday, the Eighth day of January, One thousand nine hundred and sixty.

PRESENT

The Honourable Mr. P. V. RAJAMANNAR, Chief Justice

AND

The Honourable Mr. Justice Jagadisan,

WRIT APPEAL NO. 65 OF 1957

G. Vasantha Pai—Appellant (1st Respondent in W.P. No. 476 of 1956 on the file of the High Court)

Vs.

1. Dr. A. Srinivasan
2. The Election Tribunal, Madras by its Chairman
3. The Chief Judge of the Court of Small Causes, Madras.

Respondents
(Petitioner and Resps.
2 and 3 in do)

Appeal under Clause 13 of the Letters Patent against the Order of the Honourable Mr. Justice RAJAGOPALA AYYANGAR dated 26th November 1956 and made in the exercise of the Special Jurisdiction of the High Court in Writ Petition No. 476 of 1956 presented under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records in Election Pctition No. 28 of 1954 from the 2nd and 3rd Respondents and the order therein dated 16th April 1956 and quashing that portion of the order so far as it relates to the finding under Section 99 of the Representation of the People Act, 1951, that the petitioner therein is guilty under Sec. 123(7) of the Act.

ORDER

This Writ Appeal coming on for hearing on Monday the 4th day of January, 1960 and this day upon perusing the Grounds of Appeal, the Order of the Honourable Mr. Justice RAJAGOPALA AYYANGAR dated 26th November 1956 and made in the exercise of the Special Original Jurisdiction of the High Court in Writ Petition No. 476 of 1956 and all other papers material to this case, and upon hearing the Appellant in person and the Advocate General and Mr. V. P. Raman on behalf of the Respondent 1 and notice to the Respondents 2 and 3 having been dispensed with the Court made the following:

ORDER

(Judgment of the Court delivered by the Hon'ble the Chief Justice)

This is an appeal against the Judgment of RAJAGOPALA AYYANGAR, J. in Writ Petition No. 476 of 1956. It arose out of an election petition, No. 28 of 1954, filed by the appellant who appeared before us in person and argued the case ably, to set aside the election to Madras Legislative Council of two members to fill two vacancies to be returned from the Madras Graduates Constituency. The elections were held in March, 1954, and the result of the election published on 12th April, 1954. The contesting respondent before us and another candidate were declared duly elected. The appellant before us was also a candidate at the election. The election petition had a chequered career and at several stages in the progress of the proceedings this Court was approached to exercise jurisdiction under Article 226 of the Constitution. In the election petition the appellant prayed to declare the entire election to be wholly void, or in the alternative to declare the election of both the returned candidates as void. He also prayed for a finding that each of the two respondents had been guilty of certain corrupt practices. It is not necessary for the disposal of this appeal to narrate the several stages through which the election petition passed.

It was held in Writ Appcals 25 and 26 of 1955 that the Election Tribunal would not have jurisdiction to enquire so far as the relief that the election of the returned candidates was void because the election petition was barred by limitation, so far as that relief was concerned, the Tribunal held that it had jurisdiction to deal with the allegations on which the third relief was sought. Against this decision of the Tribunal both the respondent before us as well as the other candidate filed writ petitions to this Court which were heard and disposed of by BALAKRISHNA AYYAR, J. The learned Judge took the view that though the election petition might be barred so far as the relief relating to the returned candidates was concerned, the Tribunal would have jurisdiction to go on with the election petition so far as the third relief was concerned. He therefore dismissed the petitions filed for the issue of writ of prohibition against the Election Tribunal. Against this decision of BALAKRISHNA AYYAR, J. the respondent before us did not file any appeal but the other candidate filed an appeal (writ appeal No. 19 of 1956). A Division Bench of this Court to which against one of us was a party, differed from the view taken by BALAKRISHNA AYYAR, J. It was held that the Tribunal would have no jurisdiction to proceed with the enquiry even as regard the third relief contained in paragraph 18(c) of the election petition. The Tribunal eventually proceeded with the enquiry so far as relief (c) was concerned in respect of the respondent before us and held that he was guilty of the corrupt practice set out in section 123(7) of the Representation of the People Act. Against this decision of the Tribunal the respondent filed Writ Petition No. 476 of 1956 out of which this appeal arises. Before RAJAGOPALAN AYYANGAR, J. who dealt with this petition, two main points were taken by the respondent namely, (1) that in view of the decision of the Division Bench mentioned above in Writ Appeal No. 19 of 1956, the Tribunal had no jurisdiction to deal with and grant the relief contained in paragraph 18(c) of the election petition, and (2) that on the merits the decision of the Election Tribunal was vitiated by a manifest error of law. The learned Judge held that the Election Tribunal had no jurisdiction to enquire into the corrupt practice

alleged against the respondent and in that view he found it unnecessary to deal with the other point relating to the merits. In the result the learned Judge set aside the order of the Tribunal. It is against this order that the present appeal has been filed.

We consider it sufficient to dispose of the appeal on the point on which the learned Judge, RAJAGOPALA AYYANGAR, J. refrained from giving a finding. The Tribunal held that the respondent was guilty of the corrupt practice set out in section 123(7) of the Representation of the People Act on the ground that the respondent had failed to include in his return of expenses amounts which the respondent should be deemed to have expended for three purposes, namely, (1) to insert advertisements relating to the election in newspapers, (2) printing of certain election manifestos, and (3) the printing of copies of electoral rolls for purpose of canvassing. The Tribunal found that none of these items of expenses was charged for from the respondent, that is to say, that the proprietors of the presses at which the several documents were printed did not charge the respondent for the printing or for the paper. This finding of course is a finding of fact, but on that finding the question of law arises whether in the circumstances the respondent could be held to be guilty of the corrupt practice set out in section 123(7) of the Representation of the People Act. Section 123(7) runs thus:

"The incurring or authorising by candidate or his agent of expenditure, or the employment of any person by candidate or his agent, in contravention of this Act or of any rule made thereunder".

It is clear that the respondent cannot be said to have incurred any expenditure in the printing of the above documents. Then the question is whether he can be said to have authorised such expenditure. This question has been twice examined by this Court in NARASIMHAN v. NATESAN CHETTIAR (1) and MUTHIA CHETTIAR v. SA GANESAN (2). It was held in circumstances similar to those present in this case that the fact that a person interested in the candidate himself expends money to help the candidate in his election would not render the candidate guilty of the corrupt practice set out in sub-section (7) of Section 123. The authorisation of the expenditure eventually would have to be met by the candidate himself. The finding of the Election Tribunal that the respondent was guilty of the corrupt practice set out in section 123(7) is vitiated by a manifest error of law due to a misconstruction of the said provision. On this ground the Tribunal's decision must be quashed.

In this view it is not necessary to deal with the other point, namely, whether the Election Tribunal had no jurisdiction to enquire into this matter. In the result the appeal is dismissed. There will be no order as to costs.

(Sd.) R. RAGHAVENDRA RAO.

Assistant Registrar, App. Side.

(True Copy)

Sd/-

Sub Assistant Registrar, App. Side.

To

1. The Chairman, Election Tribunal, Madras (with records if any).
2. The Registrar, Court of Small Causes, Madras.
3. The Secretary to the Election Commission, Aurangzeb Road, New Delhi (India).
4. Deputy Secretary to Government, Public (Election) Department, Fort St.

George, Madras-9.

[No. 82/28/54.1

C. B. LAL, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 9th May 1960

S.O. 1167.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Lieutenant Governor of Himachal Pradesh and the Chief Commissioners of Delhi, Manipur and Tripura, shall, subject to the control of the President and until further orders, exercise the powers of the State Government under sub-section (2) of section 7 of the Criminal Law Amendment Act, 1952 (46 of 1952), within their respective jurisdiction.

[No. F. 2/4/60-Judl II.]

K. R. PRABHU, Dy. Secy.

(1) AIR 1959 Mad. 514. (2) C.M.A. 21 of 1959.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 6th May, 1960

S.O. 1168.—In pursuance of clause (a) of section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri B. M. Lal, Registrar in the Embassy of India, Tokyo to perform the duties of a 'Vice Consul' with effect from the 1st February, 1960 and until further orders.

[F. 6(2)-Cons/59]

G. P. MATHUR, Under Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 3rd May 1960

S.O. 1169.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), and on the recommendation of the Reserve Bank of India, the Central Government declares that the provisions of clause (i) of sub-section (1) of section 16 of the said Act shall not apply for a period of three years with effect from the 5th May, 1960, to the Nedungadi Bank Ltd., Nedungadi and the Palai Central Bank Ltd., Palai, in so far as they relate to the appointment of Shri K. V. Suryanarayana Iyer, Advocate General, Kerala High Court, Ernakulam as a common director of the said banking companies.

[No. F. 4(31)-BC/60.]

D. N. GHOSH, Under Secy.

(Department of Economic Affairs)

New Delhi, the 5th May, 1960

S. O. 1170.—Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 29th April, 1960.

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	30,96,43,000
Reserve Fund	80,00,00,000	Rupee Coin	2,63,000
National Agricultural Credit (Long-term Operations) Fund	30,00,00,000	Subsidiary Coin	4,97,000
National Agricultural Credit (Stabilisation) Fund . . .	4,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal	
(a) Government :		(b) External	
(1) Central Government	50,57,63,000	(c) Government Treasury Bills	27,23,52,000
(2) Other Governments	45,28,08,000	Balances held abroad*	17,59,80,000
(b) Banks	97,64,17,000	**Loans and Advances to Governments	48,22,23,000
(c) Others	98,89,34,000	Other Loans and Advances†	114,53,00,000
Bills Payable	24,99,15,000	Investments	2,32,38,42,000
Other Liabilities	49,82,35,000	Other Assets	15,19,70,000
TOTAL	486,20,72,000	TOTAL	486,20,72,000

*Includes Cash & Short term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 11,54,40,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

Dated the 4th day of May, 1960.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 29th day of April 1960.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	30,96,43,000		A. Gold Coin and Bullion :—		
Notes in circulation	<u>1883,58,77,000</u>		(a) Held in India	117,76,04,000	
Total Notes issued	1914,55,20,000		(b) Held outside India . . . . .	..
			Foreign Securities	<u>163,00,89,000</u>	
			TOTAL OF A]	280,76,92,000	
			B. Rupee Coin	127,30,96,000	
			Government of India Rupee Securities	1506,47,32,000	
			Internal Bills of Exchange and other Commercial paper . . . . .	..
TOTAL LIABILITIES	<u>1914,55,20,000</u>		TOTAL ASSETS	1914,55,20,000	

Dated the 4th day of May, 1960.

H.V.R. IENGAR,
Governor.

[No. F. 3(2)-BC.60.]

A. BAKSI, Jt. Secy.

(Department of Revenue)

CORRIGENDUM

CUSTOMS

New Delhi, the 6th May 1960

S.O. 1171.—In the Central Board of Revenue notification No. (28) published on page 1158 of the Gazette of India, Part II, Section 3—Sub-section (ii), dated the 9th April, 1960 as S.O. 865 for the words and figure "New Delhi, the 3rd April, 1960" the words and figure "New Delhi the 2nd April, 1960" shall be substituted.

[No. 51-F. No. 52/1/59-LC.II.]

M. C. DAS, Dy. Secy.

CENTRAL BOARD OF REVENUE

CUSTOMS

New Delhi, the 7th May 1960

S.O. 1172.—In pursuance of sub-section (1) of section 9 of the Land Customs Act, 1924 (19 of 1924), read with section 182 of the Sea Customs Act, 1878 (8 of 1878), the Central Board of Revenue, hereby makes the following amendment in its notification No. 89-Customs, dated the 2nd May, 1959, namely:—

In the said notification, for the words "Collectorate of Land Customs, Calcutta", the words "Collectorate of Central Excise and Land Customs, West Bengal, Calcutta" and for the words "and Calcutta" in both the places where they occur, the words "and West Bengal, Calcutta" shall be substituted.

[No. 49.]

LAND CUSTOMS

S.O. 1173.—In exercise of the powers conferred by sub-section (1) of section 3 of the Land Customs Act, 1924 (19 of 1924), read with the notification of the Government of India in the late Finance Department (Central Revenues) No. 5944, dated the 13th December, 1924, the Central Board of Revenue hereby makes the following amendment in its notification No. 9-Land Customs dated the 17th May, 1958, namely:—

In the said notification, for the words "Collectorate of Land Customs, Calcutta", the words "Collectorate of Central Excise and Land Customs, West Bengal, Calcutta" and for the words "Collector of Land Customs, Calcutta" the words "Collector of Land Customs, West Bengal, Calcutta" shall be substituted.

[No. 1.]

M. C. DAS, Secy.

CENTRAL EXCISE COLLECTORATE BARODA

MANUFACTURED PRODUCTS

Baroda, the 12th April, 1960

S.O. 1174.—In exercise of the powers conferred upon me under rule 5 of the Central Excise Rules, 1944, I authorise the Assistant Collector of Central Excise (Customs), Rajkot to exercise the powers of the Collector under the under-noted Central Excise Rules:—

Sl. No. 1	Central Excise Rules 2	Restrictions, if any 3
1 14-B		The amount of penalty shall not exceed Rs. 250/- Power to refuse to permit further exports will only be exercised by the Collector.
2 189-A

2. The Collectorate Notification M.P. No. 6/59 is hereby cancelled.

No. 3/60.

R. PRASAD,
Collector.

CENTRAL EXCISE COLLECTORATE, BOMBAY

Bombay, the 18th April 1960

S.O. 1175.—In exercise of the powers conferred upon me by Rule 5 of the Central Excise Rules, 1944, and in partial modification of the Notification No. CER/5/1/56 dated the 15th November, 1956, as amended by Notifications No. CER/5/3/57, dated the 30th July, 1957 and No. CER/5/1/60 dated the 26th January, 1960, I hereby order that for the words beginning with "Subject to the limitations" and ending with "the Assistant Collector of Central Excise" appearing in column III against item "Rule 224(1)-Superintendents" the following words shall be inserted:—

"Subject to the condition that at the end of each calendar month, they should furnish a statement to the Collector showing the particulars of applications for individual as well as for general permissions dealt with by them".

[No. CER/5/2/60.]

Bombay, the 29th April 1960

S.O. 1176.—In exercise of the powers vested in me under section 63(a) of the Sea Customs Act, VIII of 1878, I prescribe the form of Export General Manifest as published as form No. 31 in the Appendix 'A' to the Indian Sea Customs Manual (5th Edition, 1954) for use of vessels which are not in coasting Trade at the Minor Ports in the Bombay Central Excise Collectorate.

[No. VIII(3)48(166)Cus/60.]

G. KORUTHU, Collector.

COLLECTORATE OF CENTRAL EXCISE, CALCUTTA AND ORISSA

CENTRAL EXCISE

Calcutta, the 22nd April 1960

S.O. 1177.—In exercise of the powers conferred on me by rule 5 of Central Excise Rules, 1944, I hereby make the following amendments to this Collectorate Notification No. 1/1960, dated the 1st April, 1960:—

For the existing restrictions set out in column 4 in respect of rule 224(B) against the entry 'an officer not below the rank of a Superintendent' appearing at Serial No. 3 of the table subjoined to the said notification, the following shall be substituted, namely:—

"The 'copies' and 'duplicates' of Central Excise documents shall be issued by the Central Excise Officer who originally issued the same."

[No. 3/1960.]

S. P. KAMPANI, Collector.

**COLLECTORATE OF CENTRAL EXCISE & LAND CUSTOMS, WEST BENGAL,
CALCUTTA.**

CENTRAL EXCISES

Calcutta, the 27th April 1960

S.O. 1178.—In exercise of the powers conferred by rule 5 of Central Excise Rules, 1944, the undersigned hereby makes the following amendments to this Collectorate Notification No. 1/1960 dated 1st April, 1960.

For the existing restrictions set out in column 4 in respect of Rule 224(B) against the entry 'an officer not below the rank of a Superintendent' appearing

at serial No. 3 of the table subjoined to the said notification, the following shall be substituted, namely,—

"The 'copies' and 'duplicates' of central Excise documents shall be issued by the Central Excise Officer who originally issued the same".

[No. 3/1960.]

A. K. ROY, Collector.

**OFFICE OF THE ASSISTANT COLLECTOR OF CENTRAL EXCISE: GOA
FRONTIER DIVISION, BELGAUM**

NOTICE

Belgaum, the 29th April 1960

S.O. 1179.—Whereas it appears that the goods as mentioned in the under-mentioned table seized in the vicinity of the Indo-Goa border, were imported by sea from Goa (Portuguese possessions in India) in contravention of the Rules and Notifications as mentioned against each.

Sl. No.	Date and Place of Seizure	By whom de- tected	Description of goods	Qty.	Rules contravened
1	9-3-1960 Between Mir- jan & Mudan- geri.	Inspr. C. Ex. Kumta Cus- toms.	(1) Camphor bundles made in China. (2) 7 O'Clock blades. (3) Master locks 'strong boy' Made in U.S.A.	284 bundles. 3000 Nos. 18 Nos.	Sec. 167(8) of the S.C. Act, 1878 and the Govt. of India, M.C. & I Import Control Order No. 17/5 dt. 7-12-55 issued under Secs 3 & 4-A of the Imports & Exports Control Act, 1947.

2. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Asstt. Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Sections 167(8) and 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 167(8) of the Sea Customs Act, 1878.

3. If such an owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the date of publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b) 10-98/60.]

E. R. SRIKANTIA, Asstt. Collector.

THE MADRAS CENTRAL EXCISE COLLECTORATE

CENTRAL EXCISES

Madras, the 29th April 1960

S.O. 1180.—In pursuance of Rule 5 of the Central Excise Rules, 1944 and in partial modification of this Collectorate Notification C. No. IV/f/8/244/49-57, B.1. dated 4th February 1957, I empower the Central Excise Officers specified in Column 1 of the subjoined table to exercise within their respective jurisdictions, the

powers of a "Collector" conferred by the provisions of Rule enumerated in Column 2 of the table, subject to the limitations set out in column 3 thereof.

TABLE

Rank of officers I	Central Excise Rules, 1944 2	Limitations 3
Superintendents of Central Excise	210-A	In cases where the value of the goods involved does not exceed Rs. 1000/-.

[No. C. IV/16/207/58-60. CE. (Pol.)]

D. R. KOHLI, Collector.

MINISTRY OF COMMERCE AND INDUSTRY

ORDERS

New Delhi, the 3rd May 1960

S.O. 1181/RLIUR/18.—In pursuance of rule 18 of the Registration and Licensing of Industrial Undertakings Rules, 1952, and in partial modification of the notification of the Government of India in the Ministry of Commerce & Industry S.O. No. 454/RLIUR/18/1, dated the 19th February, 1959, the Central Government hereby appoints H. M. L. Williams, Esq., as a member of the Reviewing Sub-Committee of the Central Advisory Council of Industries in place of Mr. J. D. K. Brown, who has resigned.

[No. 1(4)IA(II)(G)/60.]

S.O. 1182/IDRA/5.—In exercise of the powers conferred by section 5 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rule 8 of the Central Advisory Council of (Procedural) Rules, 1952, the Central Government hereby appoints Mr. H. M. L. Williams to be a member of the Central Advisory Council of Industries in place of Mr. J. D. K. Brown who has resigned, and makes the following amendment in the Order of the Government of India in the Ministry of Commerce & Industry No. S.O. 216, dated the 20th January, 1959, namely:—

In the said Order, under the heading "To represent the interests of owners of industrial undertakings in scheduled industries" after entry No. 13B relating to Mr. Kenneth E Tosh, the following entry shall be inserted, namely:—

"13C. H. M. L. Williams, Esq., Messrs. Guest, Keen, Williams Ltd., 41, Chowinghee Road, Calcutta-16."

[No. 1(4)IA(II)(G)/60.]

S.O. 1183/RLIUR/18.—In pursuance of rule 18 of the Registration and Licensing of Industrial Undertakings Rules, 1952, and in partial modification of the notification of the Government of India in the Ministry of Commerce & Industry No. S.O. 454/RLIUR/18/1, dated the 19th February, 1959, the Central Government hereby appoints Shri A. M. M. Murugappa Chettiar as a member of the Reviewing Sub-Committee of the Central Advisory Council of Industries in place of Shri Madanmohan M. Ruia, who has resigned.

[No. 1(4)IA(II)(G)/60.]

S.O. 1184/IDRA/5.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri A. M. M. Murugappa Chettiar, President, Federation of Indian Chambers of Commerce and Industry, New Delhi, as a member of the Central Advisory Council of Industries established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 216, dated the 20th

January 1959, vice Shri Madanmohan M. Ruia, who has resigned, and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, under the heading "To represent the interests of consumers of goods manufactured or produced by scheduled industries" for entry No. 21A relating to Shri Madanmohan M. Ruia, the following entry shall be substituted, namely:—

"21A. Shri A. M. M. Murugappa Chettiar, President, Federation of Indian Chambers of Commerce and Industry, Federation House, Barakhamba Road, New Delhi."

[No. 1(4)IA(II)(G)/60.]
NAR NARAIN SINGH, Under Secy.

(Office of the Deputy Chief Controller of Imports and Exports)

(Central Licensing Area)

NOTICE

New Delhi, the 9th May 1960

S.O. 1185.—It is hereby notified that in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry, propose to cancel two Licences Nos. E.636293/59/EI/CCI/D and E.646151/59/EI/CCI/D dated 23rd January, 1960 and 21st September, 1959, valued Rs. 750/- and Rs. 750/- respectively for import of Chemicals N.O.S. from Soft Currency Area, granted by the Deputy Chief Controller of Imports & Exports (Central Licensing Area), Shahjahan Road, New Delhi, to M/s. Hind Commercial Corporation, 7/35, Daryaganj, Delhi-7, unless sufficient cause against this is furnished to the Deputy Chief Controller of Imports and Exports (Central Licensing Area), New Delhi, within ten days of the date of issue of this notice by the said M/s. Hind Commercial Corporation, 7/35, Daryaganj, Delhi-7, or any Bank, or any other party who may be interested in it.

2. In view of what is stated above, M/s. Hind Commercial Corporation, 7/35, Daryaganj, Delhi-7, or any Bank, or any other party who may be interested in the said licences Nos. E.636293/59/EI/CCI/D and E.646151/59/CCI/D dated 23rd January, 1960 and 21st September, 1959, respectively, are hereby directed not to enter into any commitments against the said two licences and return these immediately to the Deputy Chief Controller of Imports & Exports (Central Licensing Area), Shahjahan Road, New Delhi.

[No. 22-31-V|34|2-59|CLA-IX].

V. C. NAIDU,
Dy. Chief Controller of Imports & Exports.

(Indian Standards Institution)

New Delhi, the 3rd May 1960

S. O. 1186—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that three licences, particulars of which are given in the Schedule hereto annexed, have been renewed.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity From	To	Name & Address of the Licensee	Article covered by the Licence	Relevant Indian Standard
1	CM/L-80 24-4-1958	1-5-1960	30-4-1961	M/s. Das & Company, 32, Chaulpatty Road, Calcutta-10	Tea-Chest Plywood Panels	IS: 10-1953 Specification for Plywood Tea-Chests (Revised.)
2	CM/L-81 24-4-1958	1-5-1960	30-4-1961	M/s. National Plywood In- dustries, 6 Gorapada Sarker Lane, Calcutta-4.	Do.	Do.
3	CM/L-84 24-4-1958	1-5-1960	30-4-1961	M/s.National Saw and Ply- wood Works, Makum Road, Tinsukia (Assam).	Do.	Do.

[No. MD/12:192.]

S.O. 1187.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that five licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article/Process covered by the Licence	Relevant Indian Standard
		From	To			
1	CM/L-185 26-4-1960	1-5-1960	30-4-1961	M/s. Shalimar Tar Products (1935) Ltd., 6, Lyens Range, Calcutta.	Bitumen Felts for Water- proofing and Damp-proofing.	IS: 1332-1959 Specification for Bitumen Felts for Water- proofing and Damp-proofing.
2	CM/L-186 26-4-1960	1-5-1960	30-4-1961	M/s. P.S.G. & Sons' Charity Industrial Institute, Peela- medu, Coimbatore-4.	Threephase Induction Motors for Industrial Use, from 1 H.P. to 10 H.P.	IS: 325-1959 Specification for Threephase Induction Motors (Revised).
3	CM/L-187 26-4-1960	1-5-1960	30-4-1961	The Indian Cable Co. Ltd., 9 Hare Street, Calcutta.	Paper Insulated Lead Sheathed Cables for Electricity Supply (Working Voltage) Up to and Including 11 kV.)	IS: 692-1957 Specification for Paper Insulated Lead Sheathed Cables for Elec- tricity Supply.
4	CM/L-188 27-4-1960	15-5-1960	14-5-1961	M/s. Bharat Starch & Chemi- cals Ltd., P.O. Yamuna Nagar (Rly. Station Jagadhri), Distt. Ambala.	1. Maize Starch for Use in the Cotton Textile Industry. 2. Edible Maize Starch (Corn- Flour).	(1) IS: 1184-1957 Specification for Maize Starch for Use in the Cotton Textile Industry. (2) IS: 1005-1957 Specifica- tion for Edible Maize Starch (Corn-Flour).
5	CM/L-189 27-4-1960	15-5-1960	14-5-1961	M/s. Gautam Electric Motors Private Ltd., 42 Okhla Industrial Estate, New Delhi 19.	Threephase Induction Motors from 1 H.P. to 5 H.P.	IS: 325-1959 Specification for Threephase Induction Motors (Revised).

[No. MD/12:395]

New Delhi, the 4th May 1960

S.O. 1189—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been established during the period 16th to 30th April 1960.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard established (r)	No. and title and the Indian Standard or Standards, if any, superseded by the new India Standard (2)	Brief Particulars (4)
1	IS: 586-1959 Specification for Leclanche Type Dry Batteries for Telecommu- nication, Signalling and General Purposes (Revised)	IS: 586-1955 Specification for Leclanche Type Dry Cells for Telecommunica- tion, Signalling and Gen- eral Purposes (Tentative)	This standard prescribes the dimensions, tests and performance require- ments of Leclanche type cylindrical dry batteries of a nominal voltage of 1.5 V and intended to be used for telecom- munication, signalling and general purposes under the climatic con- ditions prevailing in India. (Price Rs. 2.00).
2	IS: 1427-1959 Specification for Rayon Georgette	..	This specification prescribes constructional details and other particulars of finished and unfinished (a) rayon georgette, un- dyed; (b) rayon georgette, dyed; and (c) rayon georgette, printed; pro- duced with 10 different loom-settings. (Price Rs. 2.50).
3	IS: 1428-1959 Specification for Rayon Voiles, Ninons and Plain Chiffons	..	This specification prescribes constructional details and other particulars of finished and unfinished (a) rayon voiles, ninons and plain chiffons, undyed; (b) rayon voiles, ninons and plain chiffons, dyed; and (c) rayon voiles, ninons and plain chiffons, printed; produced with 8 different loom-settings. (Price Rs. 2.50).
4	IS: 1429-1959 Specification for Rayon Half Crepe	..	This specification prescribes constructional details and other particulars of finished and unfinished (a) rayon half crepe, un- dyed; (b) rayon half crepe, dyed; and (c) rayon half crepe, printed; produced with 12 different loom- settings. (Price Rs. 2.50).

(1)	(2)	(3)	(4)
5 IS: 1465-1959 Methods of Test for Plastic Buttons (Thermosetting).	..	This standard covers the methods of test for plastic buttons (thermosetting) made from urea-formaldehyde, melamine-formaldehyde and phenol-formaldehyde moulding powders. (Price Rs. 3.00).	

Copies of these Indian Standards are available for sale with the Indian Standards Institution "Manak Bhavan", 9, Mathura Road, New Delhi-1 and also at its Branch Offices at (i) 232, Dr. Dadabhai Naoroji Road, Bombay-1, (ii) P-11, Mission Row Extension, Calcutta-1, and (iii) 2/21, First Line Beach, Madras-1.

[No. MDC 11(4)]

C. N. MODAWAL,
Deputy Director (Marks).

MINISTRY OF STEEL, MINES AND FUEL

(Department of Iron and Steel)

New Delhi, the 6th May 1960

S.O. 1189/ESS.COMM/Iron & Steel-15(1)/AM(18).—The following notification issued by the Iron and Steel Controller under clause 15(1) of the Iron and Steel (Control) Order, 1956 is published for general information:

"NOTIFICATION

In exercise of the powers conferred by Sub-clause I of Clause 15 of the Iron & Steel (Control) Order, 1956 and with the approval of the Union Government the Iron and Steel Controller hereby notifies the following Corrigendum to Sub-item No. 14(t)(i) against Item No. T. Miscellaneous under Addendum to Appendix I of the Amendment Notification published under S.O. 2449/ESS.COMM/Iron and Steel-15(1) & 27(1)/AM(8) in Part II Section 3(ii) of the Gazette of India dated 7th November 1959.

CORRIGENDUM

T. Miscellaneous	For	Read
Sub-item No. 14 (t) (i) Inspection fee	L/Ton Rs. 30.00	L/Ton Rs. 2.00

A. S. BAM, I.C.S.,
Iron and Steel Controller*

[No. SC(C)-2(104)/60.]

J. S. BAIJAL, Under Secy.

(Department of Iron and Steel)

New Delhi, the 6th May 1960

S.O. 1190/ESS.COMM/IRON and STEEL-2(c)/AM(67).—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India, in the

Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS.COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in columns 2 and 3 thereof, against 'HIMACHAL PRADESH', the following entries shall be added, namely:—

2

3

"6. Chief Engineer, Public Works Department,
Himachal Pradesh Administration.

4 and 5"

[No. SC(A)-1(15)/59.]

S.O. 1191/ESS.COMM/IRON AND STEEL-2(c)/AM(68).—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India, in the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS.COMM/Iron and Steel-2(s), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in column 2 thereof, against 'MADRAS', for the existing entry No. (3), the following shall be substituted, namely:—

"3. Joint Director of Industries and Commerce (Engineering), Government of Madras, Madras."

[No. SC(A)-1(7)/59.]

New Delhi, the 7th May 1960

IRON & STEEL (CONTROL) (AMENDMENT) ORDER, 1960.

S.O. 1192/ESS.COMM/IRON & STEEL/AM(6).—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendments to the Iron and Steel (Control) Order, 1956, as in force in India and as applied to the said State, as amended from time to time, namely:—

1. This Order may be called the Iron and Steel (Control) (Amendment) Order, 1960.

2. In the Iron and Steel (Control) Order, 1956—

(I) in Part I, in sub-clause (i) of clause 2, after the word 'Controller', the words "under such terms and conditions as he may prescribe from time to time" shall be added at the end;

(II) in Part II, in clause 14, after the EXPLANATION to sub-clause (3), the following sub-clause shall be inserted, namely:—

"(4) The Controller may with a view to secure proper distribution of iron and steel, issue such written orders general or special as may be necessary to any controlled stockholder or stockholder with regard to his function as controlled stockholder or stockholder, respectively"; and

(III) in Part III, in clause 26, after sub-clause (2), the following sub-clause shall be inserted, namely:—

"(3) The Controller may with a view to secure proper distribution of iron and steel scrap/defectives, issue such written orders general or special as may be necessary to any controlled source or scrap merchant with regard to his function as controlled source or scrap merchant, respectively."

[No. SC(A)-1(27)/59.]

M. C. MISRA, Under Secy.

(Department of Mines and Fuel)

ORDER

New Delhi, the 4th May 1960

S.O. 1193.—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby direct that the powers conferred on it by section 3 of the said Act to make orders under clauses (c), (d), (e), (f), (h), (i) and (j) of sub-section (2) of that section shall, in relation to all petroleum products (other than Kerosene), be exercisable also by the Chief Commissioner of Manipur and with the previous consent of the Chief Commissioner, by the Deputy Commissioner, Manipur, within the Union Territory.

2. This order shall remain in force for a period of six months commencing on and from the date of its publication in the Gazette of India.

[No. 115(11)/60-PPD.]

S. K. MUKHERJEE, Dy. Secy.

MINISTRY OF HEALTH

New Delhi, the 26th April 1960

S.O. 1194.—The Medical Council of India having elected Dr. U. C. Bardoloi, M.D., D.R.C.O.G. (Lond.), DOG, LM, formerly Director of Health Services, Shillong to be a member of the Indian Nursing Council under clause (d) of sub-section (1) of Section 3 of the Indian Nursing Council Act, 1947, vice Dr. K. N. Misra, the Central Government in pursuance of sub-section (1) of section 3 of the said Act, hereby makes the following amendment in the notification of the Government of India, Ministry of Health, No. F. 27-57/57-MII(B), dated the 1st December, 1958, namely:—

In the said notification, under the heading "elected under clause (d) of sub-section (1) of section 3" for the existing entry the following entry shall be substituted, namely:—

"Dr. U. C. Bardoloi, M.D., D.R.C.O.G. (Lond.), DOG, LM, former Director of Health Services, Shillong.

[No. F. 27-15/60-MII.]

R. MURTHI, Under Secy.

New Delhi, the 28th April 1960

S.O. 1195.—The Government of Orissa having nominated Shri R. B. Pany, Drugs Inspector, Eastern Range, Orissa to be the representative of that Government on the Drugs Consultative Committee in place of Shri V. L. Narasimha Rao, the Central Government, in pursuance of section 7 of the Drugs Act, 1940 (23 of 1940), hereby makes the following further amendment in the notification of the Government of India in the Ministry of Health No. F. 1-3/47-DII, dated the 13th September, 1948, constituting the Drugs Consultative Committee, namely:—

In the said notification, under the heading 'Nominated by State Government', for entry 8 the following entry shall be substituted, namely:—

"(8) Shri R. B. Pany, Drugs Inspector, Eastern Range, Orissa."

[No. F. 4-5/60-D.]

New Delhi, the 6th May 1960

S.O. 1196.—In exercise of the powers conferred by sections 6, 12 and 33 of the Drugs Act, 1940 (23 of 1940), the Central Government hereby makes the following further amendments in the Drugs Rules, 1945, the same having been previously published as required by the said sections, namely:—

In the said rules—

1. in rule 2, after clause (c) the following clause shall be inserted namely:—

"(ee) "registered medical practitioner" means a person—

(i) holding a qualification granted by an authority specified or notified under section 3 of the Indian Medical Degrees Act, 1916 (7 of 1916), or specified in the Schedules to the Indian Medical Council Act, 1956 (102 of 1956); or

- (ii) registered or eligible for registration in a medical register of a State meant for the registration of persons practising the modern scientific system of medicine; or
- (iii) registered in a medical register of a State, who although not falling within sub-clause (i) or sub-clause (ii) is declared by a general or special order made by the State Government in this behalf as a person practising the modern scientific system of medicine for the purposes of this Act; or
- (iv) registered or eligible for registration in the register of dentists for a State under the Dentists Act, 1948 (16 of 1948); or
- (v) who is engaged in the practice of veterinary medicine and who possesses qualifications approved by the State Government";

in rule 61.

(a) to sub-rule (1) the following proviso shall be added, namely:—

"Provided that a licence in form 20A shall be valid for only such drugs as are specified in the licence";

(b) to sub-rule (2) the following proviso shall be added, namely:—

"Provided that a licence in form 21-A shall be valid for only such drugs as are specified in the licence";

3. for rule 69, the following rule shall be substituted, namely:—

"69. *Application for licence to manufacture drugs other than those specified in Schedules C and C (1) to the Drug Rules.*—(1) Applications for the grant or renewal of licences to manufacture for sale of drugs other than those specified in Schedules C and C(1) shall be made to the licensing authority appointed by the State Government for the purpose of this Part (hereinafter in this Part referred to as the licensing authority) and shall be made—

(a) in the case of repacking of drugs for sale or distribution, in Form 24-B; and

(b) in any other case, in Form 24.

(2) Every application in Form 24-B shall be accompanied by a fee of rupees forty, and every application in Form 24 shall be accompanied by a fee of rupees two hundred.

(3) If a person fails to apply for the renewal of his licence before the date of its expiry, the fee payable for the renewal of such licence shall be, in the case of Form 24-B, rupees forty plus an additional fee of rupees twenty, and, in the case of Form 24, rupees two hundred plus an additional fee of rupees hundred.

(4) A fee of rupees ten and a fee of rupees fifty shall be paid respectively for a duplicate copy of the licence issued under clause (a) and clause (b) of sub-rule (1), if the original is defaced, damaged or lost.

(5) Applications by licensees to manufacture additional categories of drugs shall, in the case of a licence to manufacture for sale and distribution other than repacking, be accompanied by a fee of rupees ten for each category of drugs specified in Schedule M.

Explanation.—For the purpose of these rules, the term 'repacking' means the process of breaking up any drug from a bulk container into small packages and the labelling of each such package with a view to its sale and distribution, but does not include the compounding or dispensing or the packing of any drug in the ordinary course of the retail business".

4. for rule 70, the following shall be substituted, namely:—

"70. *Form of licence to manufacture drugs other than those specified in Schedules C and C(1).*—Licences for repacking of drugs against applications in Form 24-B shall be granted in Form 25-B, and licences for manufacture for sale and distribution against applications in Form 24 shall be granted in Form 25.";

5. after rule 71 the following rule shall be inserted, namely:—

"71-A. Conditions for the grant or renewal of a licence in Form 25-B.—Before a licence in Form 25-B is granted or renewed the following conditions shall be complied with by the applicant:—

- (1) The repacking operation shall be carried out under hygienic conditions and under the supervision of a competent person;
- (2) adequate space and equipment shall be provided, and
- (3) the applicant shall have (i) either adequate arrangements in his own premises for carrying out the tests for strength, quality and purity of the drugs, or (ii) make arrangements with some institution approved by the licensing authority for such tests to be regularly carried out on his behalf by that institution.

Explanation.—A person who satisfies the following minimum qualifications shall be deemed to be a "competent person" for the purposes of rules 71-A or 74-A of these rules, namely:—

- (a) a person who holds the Diploma in Pharmacy approved by the Pharmacy Council of India under the Pharmacy Act, 1948 (VIII of 1948) or a person who is registered under the said Act, or
- (b) a person who has passed the Intermediate examination with Chemistry as one of the principal subjects or an examination equivalent to it or an examination recognised by the licensing authority as equivalent to it, or
- (c) a person who has passed the Matriculation examination or an examination recognised by the licensing authority as equivalent to it and has had not less than four years practical experience in the manufacture, dispensing or repacking of drugs."

6. in rule 72, after the word and figures 'Form 25' the words, figures and letter 'or in Form 25-B' shall be inserted;

7. after rule 73-A, the following rule shall be inserted, namely:—

"73-B. Certificate of renewal of licence in form 25-B.—The Certificate of renewal of a licence in Form 25-B shall be issued in Form 26-B.";

8. after rule 74, the following rule shall be inserted, namely:—

"74-A. Conditions for licence in Form 25-B.—A licence in Form 25-B shall be subject to the conditions stated therein and to the following conditions:—

- (a) the repacking of drugs shall be at all times be conducted under the personal supervision of at least one person who is approved as a competent person by the licensing authority;
- (b) the licensee shall either provide and maintain adequate arrangements in his own premises for carrying out tests of the strength, quality and purity of the drugs repacked or make arrangements with some institution approved by the licensing authority for such tests to be regularly carried out on his behalf by the institution;
- (c) the licensee shall make adequate arrangements for the storage of drugs;
- (d) the licensee shall comply with the provisions of the Act and of these rules and with such further requirements, if any, as may be specified by any rule subsequently made under Chapter IV of the Act of which the licensing authority has given the licensee not less than four months' notice;
- (e) the licensee shall allow any Inspector authorised by the licensing authority in that behalf, to enter with or without notice, any premises where the repacking of drugs in respect of which the licence is issued is carried on, to inspect the premises and to take samples of repacked drugs;

(f) the licensee shall maintain detailed records of repacking of drugs and records of tests applied thereto, in such manner as the licensing authority may direct and the licensee shall allow an Inspector to inspect all such registers and records maintained under these rules and shall supply to the Inspector such information as he may require for the purpose of ascertaining whether the provisions of the Act and these rules have been observed.

9. in rule 109, for sub-rule (1), the following shall be substituted, namely:—

"(1) The following particulars and such further particulars, if any, as are specified in Schedule F shall be printed or written in indelible ink on the label of every phial, ampoule or other container of a substance specified in Schedule C and on every other covering in which such phial, ampoule or container is packed,—

- (a) the proper name of the substance in letters not less conspicuous than those in which the proprietary name, if any, is printed or written and the following immediately after or under such proprietary name;
- (b) the number of every licence under which the substance is manufactured or imported, preceded in the case of import licences by the word "Import Licence":

Provided that no reference shall be made to any other import licence number granted by any authority outside India on any label or container or in any covering in which the container is packed or in any other matter of advertisement enclosed therewith;

- (c) a distinctive batch number, that is to say, the number by reference to which the prescribed tests, and details of manufacture of the particular batch from which the substance in the container is taken are permanently recorded and available for inspection; the figure representing the Batch Number shall be preceded by the words "Batch Number" or "Batch No." or "Batch" or "Lot Number" or "Lot No." or "Lot";
- (d) where a test for potency in units is required by these rules, a statement of the potency in units defined in terms of relation to the standard preparation specified in Schedule F:

Provided that this clause shall not apply in the case of vaccine lymph or surgical ligature or suture;

- (e) where a test for potency or maximum toxicity is required the date upto which the substance if kept under suitable conditions may be expected to retain a potency not less than that stated on the label of the container, or not to acquire a toxicity greater than that permitted by the test, as the case may be:

Provided that nothing in these rules shall be deemed to require the labelling of any transparent cover on any wrapper, case or other covering used solely for the purpose of packing, transport or delivery;"

(ii) clause (d) of sub-rule (3) shall be omitted.

10. in Schedule A.

(a) in form 19-A for paragraph 3, the following shall be substituted, namely:

"3. Names or classes of drugs proposed to be sold.";

(b) in Form 20-A, in paragraph 1, for the words 'drugs other than' the words 'the following drugs being drugs other than' shall be substituted;

(c) in Form 20-B, after condition 3, the following condition shall be inserted, namely:—

"4. Where the licensee is an agent for distribution of the drugs of a manufacturer, the sale by way of wholesale dealing of such drugs shall be covered by a warranty either in Form 22 or Form 23 to the effect that the drugs sold do not contravene the provisions of section 18 of the Drugs Act, 1940";

- (d) in Form 21-A, in paragraph 1, for the words "drugs specified" the words 'the following drugs being drugs specified' shall be substituted;
- (e) in Form 21-B, after condition 4, the following condition shall be inserted, namely:—
- "5. Where the licensee is an agent for distribution of the drugs of a manufacturer, the sale by way of wholesale dealing of such drugs shall be covered by a warranty either in Form 22 or Form 23 to the effect that the drugs sold do not contravene the provisions of section 18 of the Drugs Act, 1940.";
- (f) after Form 24-A, the following form shall be inserted, namely:—

"FORM 24-B

(See rule 69)

Application for grant or renewal of a licence to repack for sale or distribution drugs, being drugs other than those specified in Schedules C and C(1).

1. I/We of hereby apply for grant/renewal of a licence to repack the following drugs at the premises situated at

2. Names of the drugs to be repacked

3. Name, qualification and experience of competent staff

4. A fee of Rs. forty has been credited to Government under the head of account

Date Signature of applicant.

NOTE.—The application shall be accompanied by a plan of the premises.";

(g) in Form 25, after condition 3, the following condition shall be inserted namely:—

"4. The sale by way of wholesale dealing of drugs manufactured under this licence shall be covered by a warranty either in Form 22 or Form 23 to the effect that the drugs sold do not in any way contravene the provisions of section 18 of the Drugs Act, 1940.";

(h) in Form 25-A, after condition 3, the following condition shall be inserted; namely:—

"4. The sale by way of wholesale dealing of drugs manufactured under this licence shall be covered by a warranty either in Form 22 or Form 23 to the effect that the drugs sold do not in any way contravene the provisions of section 18 of the Drugs Act, 1940.";

(i) after Form 25-A, the following form shall be inserted, namely:—

"FORM 25-B

(See rule 70)

Licence to repack for sale or distribution of drugs being drugs other than those specified in Schedules C and C(1).

Number of licence and date of issue

1. of is hereby granted a licence to repack the following drugs for sale or distribution on the premises situated at under the supervision of the following competent staff.

(a) Names of drugs to be repacked.

(b) Names of competent staff.

2. The licence shall be in force for a period of 2 years from the date of issue.

3. The licence authorises the sale by way of wholesale dealing by the licensee and storage for sale by the licensee of the drugs repacked under the licence subject to conditions applicable to licences for sale.

4. The licence is subject to the conditions stated below and to such other conditions as may be specified in the Rules for the time being in force under the Drugs Act, 1940.

Date

Signature

Designation

Conditions of license

1. This licence and any certificate of renewal in force shall be kept on the licensed premises and shall be produced at the request of any Inspector appointed under the Drugs Act, 1940.

2. Any change in the competent staff named in the licence shall be forthwith reported to the licensing authority.

3. If the licensee wants to repack for sale or distribution additional items he should apply to the licensing authority for the necessary endorsement to this licence. This licence shall be deemed to extend to only those items so endorsed.

4. The drugs repacked under this licence shall bear on their label, apart from other particulars required by these rules, the name and address of the licensee and the number of the licence under which the drug is repacked preceded by the words "Rpt. Lic. No."

5. The sale by way of wholesale dealing of drugs repacked under this licence shall be covered by a warranty either in Form 22 or 23 to the effect that drugs sold do not in any way contravene the provisions of Section 18 of the Drugs Act, 1940.";

(j) after Form 26-A, the following form shall be inserted, namely:—

"FORM 26-B"

(See rule 73-B)

Certificate of renewal of licence to repack for sale or distribution of drugs being drugs other than those specified in Schedules C and C(1).

1. Certified that licence No. granted on the to for the repacking of the following drugs at the premises situated at has been renewed for a period of two years from the

Names of drugs to be repacked

2. Names of competent staff

Date

Signature

Designation";

(k) in Form 28, after condition 3, the following condition shall be inserted, namely:—

"4. The sale by way of wholesale dealing of drugs manufactured under this licence shall be covered by a warranty either in Form 22 or Form 23 to the effect that the drugs sold do not in any way contravene the provisions of section 18 of the Drugs Act, 1940.";

(l) in Form 28-A, after condition 3, the following condition shall be inserted, namely:—

"4. The sale by way of wholesale dealing of drugs manufactured under this licence shall be covered by a warranty either in Form 22 or Form 23 to the effect that the drugs sold do not in any way contravene the provisions of section 18 of the Drugs Act, 1940.";

11. in Schedule C, for item 12, the following shall be substituted, namely:—

"Any other preparation which is meant for parenteral administration either in the form in which it is marketed or after being made up with a suitable solvent or medium";

12. in Schedule C(1), for items 1 to 9 the following shall be substituted, namely:—

"1. Drugs belonging to the Digitalis group and preparations containing drugs belonging to the Digitalis group not in a form to be administered parenterally.

2. Ergot and preparations containing Ergot not in a form to be administered parenterally.

3. Adrenaline and preparations containing Adrenaline not in a form to be administered parenterally.

4. Fish Liver Oil and preparations containing Fish Liver Oil.

5. Vitamins and preparations containing any vitamins not in a form to be administered parenterally.

6. Liver extract and preparations containing liver extract not in a form to be administered parenterally.
7. Hormones and preparations containing Hormones not in a form to be administered parenterally.
8. Vaccine not in a form to be administered parenterally.
9. Following drugs and preparations containing them not in a form to be administered parenterally:—
 - (1) Penicillin.
 - (2) Streptomycin.
 - (3) Chlortetracycline.
 - (4) Oxytetracycline.
 - (5) Chloramphenicol.
 - (6) Neomycin.
 - (7) Carbomycin.
 - (8) Erythromycin.
 - (9) Bacitracin.
 - (10) Tetracycline.
 - (11) Gramicidin.
 - (12) Tyrothricin.
 - (13) Viomycin.”;

13. In Schedule F after Part XII, the following part shall be inserted, namely:—

“PART XII-A”

Provisions applicable to Antibiotics and their preparations.

Injection of procaine Benzyl Penicillin in Oil with Aluminium Stearate suspension.

Injection of Procaine Benzyl Penicillin in Oil with Aluminium Stearate Suspension is a sterile suspension of procaine benzyl penicillin in a suitable oil containing 2% w/v of aluminium monostearate. It contains not less than 90% of the number of International Units of Penicillin stated on the label.

Proper Name.—The proper name shall be “Injection of Procaine Benzyl Penicillin in Oil with Aluminium Stearate Suspension” or “Sterile Procaine Penicillin G with Aluminium Stearate Suspension”.

Consistency.—Passes readily through a hypodermic needle of internal diameter 0.895-0.905mm at 25°C.

Particle size.—The diameter of not less than 65% of the particles does not exceed 5 microns.

Stability.—When shaken by hand it forms a suspension which is stable for 48 hours at 37°C; if any separation takes place during this time, the thickness of the oily layer should not be greater than 3 mm.

Water.—Not more than 1·4%.

Sterility.—After the addition of a quantity of solution of penicillinase or other suitable inactivating agent adequate to ensure complete inactivation of the penicillin present, complies with the test for sterility.

Blood-level Duration.—When determined as described in the Appendix, a quantity equivalent to 300,000 International Units of penicillin produces blood-serum levels at 72 hours of not less than 0·03 International Units per ml in not less than half the number of subjects used.

Other Requirements.—Complies with the requirements stated under “Injections” in the Indian Pharmacopoeia.

Assay.—The potency is determined by the method included in the Appendix.

Storage.—Injection of Procaine Benzyl Penicillin in Oil with Aluminium Stearate Suspension should be stored in a cool place, but not in a refrigerator.

Labelling.—The label on the container must state (1) the name of the injection; (2) the number of International Units in 1 ml; (3) “For intramuscular use only”.

When Injection of Procaine Benzyl Penicillin in Oil with Aluminium Stearate Suspension is prescribed, no strength being stated, the injection containing 300,000 International Units per ml shall be dispensed.

APPENDIX

Blood-level duration test

1. The Test.—Ten or more persons in good health and weighing between 60 and 90 kg who have not taken penicillin or similar antibiotics in any form during the previous seven days are selected as test subjects. Each subject is injected with a quantity of the Injection of Procaine Benzyl Penicillin in Oil with Aluminium Stearate Suspension under test equivalent to 300,000 International Units of penicillin. A 5 ml sample of venous blood is withdrawn 72 hours after the injection and if desirable, at other times during the test period; the subject should receive no other antibiotic during this period. The blood is allowed to clot and the serum is separated by centrifuging and transferred immediately to a sterile tube. If it is not to be tested on the same day, the serum is frozen at 20°C or below and stored frozen. The penicillin content of the samples of serum is determined as described below:—

2. The Blood-serum Assay (*Sarcina Lutea* Method).—The antibiotic potency of a sample of serum presumed to contain penicillin is determined by comparing the volumes of it required to inhibit the growth of a standard strain of *Sarcina Lutea* with the quantities of a standard preparation of penicillin required to produce the same degrees of inhibition.

Working Standard Solution

To about 0.015 g of the International Standard preparation of penicillin, accurately weighed in an atmosphere of 50% relative humidity or less, sterile 1% phosphatebuffer, pH 6.0 is added to make a stock solution containing 0.6 mg per ml. (1,000 International Units per ml). This solution is kept at a temperature of about 10°C and used for two days only. On the day of the assay, this stock solution is diluted to 1.0 International Units per ml using the above-mentioned buffer. Working dilutions of the latter solution are prepared using as the diluent bovine albumin TS which, before use, has been filtered through a bacteria-proof filter and tested on plates for inhibition of *Sarcina Lutea* under the conditions outlined below. Bovine albumin TS which shows inhibition under these conditions should not be used.

Preparations of serum samples

Serum samples expected to contain not more than 0.4 International Unit per ml need not be diluted. Samples expected to have a potency greater than 0.4 International Unit per ml should be diluted to about 0.1 International Unit per ml with bovine albumin TS known to have no antibiotic activity.

Suggested Method

The general procedure described under "Biological Assay of penicillin" is applied with the specific changes set forth below.

Media:

Nutrient agar for the base layer and for carrying the test organism is prepared as follows:—

Peptone	6.0 g
Pancreatic Casein digest	4.0 g
Yeast extract	3.0 g
Beef Extract	1.5 g
Glucose	1.0 g
Agar	15.0 g
Water, sufficient to product	1,000 ml.

The reaction is adjusted so that the pH is 6.5 to 6.6 after autoclaving at 121°C for 20 minutes.

Agar for the inoculated layer is prepared as above, but omitting the pancreatic digest of casein and adjusting the reaction so that the pH is 6.5 to 6.6 after autoclaving.

Nutrient broth for preparing an inoculum of the test organism is prepared as follows:—

Peptone	5.0 g
Yeast Extract	1.5 g
Beef Extract	1.5 g
Sodium chloride	3.5 g

Sodium chloride	3.5	g
Glucose	1.5	g
Dibasic potassium phosphate	3.68	g
Potassium Dihydrogen Phosphate	1.32	g
Water, sufficient to produce	1,000	ml.

The reaction is adjusted so that the pH is 6.9 to 7.0 after autoclaving.

Instead of preparing the media from the individual ingredients specified, they may be prepared from a dehydrated mixture which, when reconstituted with water, has the specified composition. Minor modifications of the individual ingredients specified are permissible if the resulting media possess growth promoting properties at least equal to the media described.

Preparation of Bulk Culture Suspension

The test organism is *Sarcina Lutea* (P.C.I.1001 and American Type Culture Collection 9341). The test organism is maintained on slants of nutrient agar as described for the base layer and transferred to a fresh agar slant once a week. A suspension of the test organism is prepared as follows. An agar slant is streaked heavily with the test organism and incubated for 24 hours at 26°C. The growth is washed off with 3.0 ml of nutrient broth. The suspension so obtained is used to inoculate the surface of a Roux bottle containing 300 ml of this nutrient agar. The suspension is spread over the entire surface with the aid of sterile glass-breads. The bottle is incubated for 24 hours at 26°C. Growth is washed from the agar surface with 15 ml of nutrient broth prepared as described. The density of organism in this bulk suspension is tested by diluting 1 part with 9 parts of nutrient broth, and measuring the light transmission at about 650 mu in a suitable photoelectric colorimeter. If the light transmission is about 10% of that of sterile nutrient broth similarly treated, the bulk suspension is satisfactory for use. Otherwise, the bulk suspension is adjusted by dilution so that a 10% dilution of the adjusted suspension gives about 10% light transmission. The bulk suspension, adjusted by dilution if necessary, may be used for at least two weeks.

Preparation of plates

On the day of the assay 10 ml of base layer agar medium is added to Petri plates (20 mm x 100 mm). The agar is distributed evenly in the plates and allowed to harden.

0.4 ml of bulk culture suspension is added to 100 ml of the agar prepared for the inoculated layer, previously melted and cooled to 48°C. The culture and agar are thoroughly mixed and 4 ml are added to each of the plates containing the 10 ml of the hardened uninoculated agar. The inoculated agar is spread evenly over the surface by tilting the plates back and forth. The plates are covered with porcelain covers, glazed on the outside.

Standard curve and assay procedure

Six cylinders are placed on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8 cm radius. One plate is used for each sample. Three cylinders on each plate are filled with the 0.1 ml International Unit per ml dilution of the International Standard Preparation, and three cylinders with the serum sample under test, alternating Standard and sample. The plates are incubated for 16 to 18 hours, at 26°C and the diameter of each zone of inhibition is measured. At the same time, a standard curve is prepared using concentrations of 0.03, 0.05, 0.10, 0.20, 0.30 and 0.40 International Units per ml of the International Standard Preparation in bovine albumin TS. Three plates are used for the determination of each point on the curve making a total of 15 plates. On each of three plates, three cylinders are filled with the 0.1 International Unit per ml dilution of the International Standard Preparation and the other three are filled with one of the five other diluted solutions of the International Standard Preparation. After the plates have been incubated the diameters of the zones of inhibition are read. Thus, there will be 45 determinations at 0.1 International Unit and nine determinations at each of the other points on the curve.

The readings of 0.1 International Unit per ml. concentrations and the readings of the point tested for each set of three plates are averaged and also all 45 readings of the 0.1 International Unit per ml. concentration. The average of the 45 readings of the 0.1 International Unit per ml. concentration is the correction point for the curve. The average value obtained for each point

is corrected to the figure it would be if the 0·1 International Unit per ml. readings for that set of three plates were the same as the correction point. Thus, if the average of the 45 readings of the 0·1 International Unit concentration is 20·0 mm, and the average of 0·1 International Unit concentration of a given set of three plates is 19·8 mm correction is 40·2 mm. If the average reading of the 0·03 International Unit concentration of these same three plates is 17·00 mm, the corrected value becomes 17·2 mm. The corrected values, including the average of the 0·1 International Unit per ml concentration, are plotted on 2 cycle Semi-logarithmic graph paper, using the concentration in International Units per ml. as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. The standard curve is drawn through these points. To estimate the concentration of penicillin in the sample, the zone readings of the International Standard and the zone readings of the sample on the 1 plate used are averaged. If the sample gives a larger average zone size than the average of the International Standard the difference between the two averages is added to the 0·1 International Unit zone on the standard curve. If the average sample value is lower than the standard value, the difference between the averages is subtracted from the 0·1 International Unit value on the curve. From the curve are read the concentrations of penicillin, in International Units per ml. corresponding to these corrected average zone sizes.

The reagents and solutions refer to the reagents and solutions included in the Indian Pharmacopoeia."

14. In Schedule K(1) for the existing entries 1 and 5, the following shall respectively be substituted, namely:—

Class of Drugs.	Extend and conditions of Exemption.
1. Drugs falling under clause (b) (i) of Section 3 of the Drugs Act, not intended for medicinal use.	All the provisions of Chapter IV of the Act and the Rules thereunder, subject to the conditions that the drug is not sold for medicinal use or for use in the manufacture of medicines and that each container is labelled conspicuously with the words "NOT FOR MEDICINAL USE."
5. Drugs supplied by a registered medical practitioner to his own patient or any drug specified in Schedule C supplied by a registered medical practitioner at the request of another such practitioner if it is specially prepared with reference to the condition and for the use of an individual patient provided the registered medical practitioner is not (a) keeping an open shop or (b) selling across the counter or (c) engaged in the importation, manufacture, distribution or sale of drugs in India to a degree which render him liable to the provisions of Chapter IV of the Act and the rules thereunder.	<p>All the provision of Chapter IV of the Act and the rules thereunder, subject to the condition that, in the case of medicine containing a substance specified in Schedule E(a) the medicine shall be labelled with the name and address of the registered medical practitioner by whom it is supplied;</p> <p>(b) if the medicine is for external application, it shall be labelled with the words "Poison", for "External use only" or, if it is for internal use with the dose;</p> <p>(c) the name of the medicine or ingredients of the preparation and the quantities thereof, the dose prescribed, the name of the patient and the date of supply and the name of the person who gave the prescription shall be entered at the time of supply in register to be maintained for the purpose.</p> <p>(d) the entry in the register shall be given a number and that number shall be entered on the label of the container;</p>

*Class of Drugs.**Extend and conditions of Exemption.*

(ii) after entry 5, the following entry

5A. Drugs supplied by a hospital or dispensary maintained or supported by Government or local body or by charity or voluntary subscription.

(e) the register and the prescriptions if any, on which the medicines are issued, shall be preserved for not less than two years from the date of the last entry in the register or the date of the prescription as the case may be."

shall be inserted namely:—

The provisions of Chapter IV of the Act and the Rules thereunder which require them to be covered by a sale licence, subject to the following conditions;

(1) the dispensing and supply of drugs shall be carried out by or under the supervision of a qualified person;

(2) the premises where drugs are supplied or stocked shall be open to inspection by an Inspector appointed under the Drugs Act who can, if necessary, take samples for test;

(3) the drugs shall be stored under proper storage conditions;

(iii) after entry 11, the following entry shall be inserted, namely:—

"12. Insecticides and formulations of insecticides.

The provisions of Chapter IV of the Act and the Rules thereunder which require them to be covered by a sale licence."

15. In item 6 of Schedule L, for the word "Magnamycin" the word "Carbomycin" shall be substituted."

[No. F. 1-22/59-D.]

M. K. KUTTY, Dy. Secy.

New Delhi, the 3rd May 1960

S.O. 1197.—In exercise of the powers conferred by clause (p) of sub-section (1) of section 6 of the Indian Ports Act, 1908 (15 of 1908), the Central Government hereby makes the following further amendment to the Indian Port Health Rules, 1955, the same having been previously published as required by sub-section (2) of that section, namely:—

In the said Rules, in sub-rule (1) of rule 83 for the words "any ship" the words "any ship or vessel" and for the words "on the vessel" the words "on the ship or vessel" shall be substituted.

[No. F. 15-4/59-IH.]

T. V. ANANTANARAYANAN, Under Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

PORTS

New Delhi, the 3rd May 1960

S.O. 1198.—In pursuance of sub-section (3) of section 6 of the Bombay Port Trust Act, 1879 (Bombay Act VI of 1879), the Central Government hereby publishes the following return received from the Secretary, The Millowners' Association, Bombay, namely:—

Return showing the name of the person elected by the Millowners' Association, Bombay in accordance with the provisions of Section 13(2) of the Bombay Port Trust Act, to be a member of the Board of Trustees

of the Port of Bombay during the temporary absence on leave of Mr. Pratap Bhogilal.

Date of election.	Name of person elected.
14th April, 1960.	Mr. Motilal Tapuriah.
	[No. 8-PG(36)/60.] MISS I. INDIRA, Under Secy.

(Department of Transport)

(Roads Wing)

New Delhi, the 4th May 1960

S.O. 1199.—In exercise of the powers conferred by sub-section (2) of section 2 of the National Highways Act, 1956 (48 of 1956), the Central Government hereby declares the highways specified in the table below to be national highways:

The said highways now declared to be national highways shall be deemed to be specified in the Schedule to the National Highways Act, 1956, with the Serial Number and National Highway Number indicated in the table:

TABLE

Serial No.	National Highway No.	Description of national highways
12A	11	The highway connecting Agra, Jaipur and Bikaner.
12B	12	The highway connecting Jabalpur, Bhopal and Binaora.
13C	13	The highway connecting Sholapur and Chitradurga.

[No. PL-12(11)58.]

BRIJ RATAN LAL, Under Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 6th May 1960

S.O. 1200.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following further amendment in the Supplementary Rules issued with the Government of India, Finance Department letter No. 104-CSR, dated the 4th February, 1922, namely:—

In part VIII of the said rules, in Division XXVI-B, for sub-rule (2) of Supplementary Rule 317-B-23, the following sub-rule shall be substituted, namely:—

“(2) For the purposes of sub-rule (1),—

(i) ‘improper use’ shall include—

- (a) charging of excessive rent from the sub-lessee or the sharer or the guest;
- (b) erecting unauthorised structure in any part of the residence;
- (c) using the residence or a portion thereof for purposes other than those for which they are meant;
- (d) unauthorised extension from electric and water connections or tampering therewith;

- (e) cutting or existing trees and/or planting trees or growing plants near the foundations of the building or in the by-lane; and
- (f) using the 'barsaties' for residential purpose of the sub-lessee or the sharer.

(ii) 'Officer' means the person who has been allotted the residence and includes members of his family."

[No. 3/77/58-Acc. I.]

S.O. 1201.—In pursuance of the provisions of rules 45 of the Fundamental Rules, the President hereby makes the following further amendment in the Special Accommodation Rules, 1950, issued with the notification of the Government of India in the late Ministry of Works, Mines and Power No. WIV-15(3)/III, dated the 19th January, 1950, namely:—

In the said rules, for sub-rule (2) of rule 27, the following sub-rule shall be substituted, namely:—

"(2) For the purposes of sub-rule (1),—

(i) 'improper use' shall include—

- (a) charging of excessive rent from the sub-lessee or the sharer or the guest;
- (b) erecting unauthorised structure in any part of the residence;
- (c) using the residence or a portion thereof for purposes other than those for which they are meant;
- (d) unauthorised extension from electric and water connections or tampering therewith;
- (e) cutting of existing trees and/or planting trees or growing plants near the foundations of the building or in the by-lane; and
- (f) using the 'barsaties' for residential purposes of the sub-lessee or the sharer.

(ii) 'Officer' means the person who has been allotted the residence and includes members of his family."

[No. 3/77/58-Acc. II.]

R. C. MEHRA, Under Secy.

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 3rd May 1960

S.O. 1202.—In exercise of the powers conferred by sub-section (1) of section 36 of the Indian Electricity Act, 1910 (9 of 1910), the Central Government hereby appoints Shri C. K. V. Rao, Director, Central Water and Power Commission (Power Wing), to be an Electrical Inspector for Dandakaranya Project.

[No. EL-II-2(14)/59.]

G. D. KSHETRAPAL, Dy. Secy.

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 6th April 1960

S.O. 1203.—In exercise of the powers conferred by Section (1) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954), the Central Government hereby appoints Shri Parshotam Sarup as Settlement Commissioner for the purpose of performing the functions assigned to such commissioners by or under the said Act with effect from the 6th April, 1960.

[No. 11(4) /CSC/AI-60.]

S.O. 1204.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Parshotam Sarup as Settlement Commissioner for the purpose of performing the functions assigned to such commissioners by or under the said Act with effect from the 6th April, 1960.

[No. 11(4)/CSC/AI-60/I.]

KANWAR BAHADUR,
Settlement Commissioner (A) & Ex-Officio Dy. Secy.

(Office of the Chief Settlement Commissioner)

New Delhi, the 6th April 1960

S.O. 1205.—In exercise of the powers conferred on me by sub-section (2) of Section 10 of the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954), I have delegated to Shri Parshotam Sarup, Settlement Commissioner, with effect from the following powers of the Chief Settlement Commissioner, namely:—

1. Powers to transfer cases to Settlement Officers by general or special order under sub-section (1) of Section 4 of the said Act.
2. Power to require a Settlement Officer to appoint one or more persons to advise him in any of proceedings pending before him, under sub-section (2) of Section 6 of the said Act.
3. Power to transfer any case pending before a Settlement Officer to another Settlement Officer under Section 7 of the said Act.

[No. 11(4)/CSC/AI-60/II.]

S.O. 1206.—In exercise of the powers conferred on me by sub-section (2) of Section 10 of the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954), I have delegated to Shri Parshotam Sarup, Settlement Commissioner with effect from the 6th April 1960, the following powers of the Chief Settlement Commissioner:—

1. Power to call for the record of any case decided by the Settlement Officer and pass order in the case under provision to sub-section (3) of Section 4 of the said Act.
2. Special power of revision under Section 5 of the said Act in respect of cases decided under the Displaced Persons (Claims) Act, 1954 (44 of 1950).

[No. 11(4)/CSC/AI-60/III.]

S.O. 1207.—In exercise of the powers conferred on me by sub-section (2) of Section 34 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), I hereby delegate to Shri Parshotam Sarup, Settlement Commissioner, with effect from the 6th April, 1960, the following powers of the Chief Settlement Commissioner:—

1. Power to hear appeals under Section 23 of the said Act.
2. Power to hear revisions under Section 24 of the said Act.

[No. 11(4)/CSC/AI-60/IV.]

S. W. SHIVESHWARKAR,
Chief Settlement Commissioner.

(Office of the Chief Settlement Commissioner)

New Delhi, the 3rd May 1960

S.O. 1208.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 16 of the Displaced Person (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Rehabilitation No. F. 8/15/58(I)-Policy II dated the 14th March, 1960, namely:—

In the said notification, the words "and houses" occurring after the words "disposal of evictee lands" and after the words "provided that such lands" shall be omitted.

[No. F. 8(15)/58(1)-Policy-II.]

S.O. 1209.—In exercise of the powers conferred by sub-section (1) of section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Rehabilitation No. F. 8/15/58(II)-Policy-II, dated the 14th March, 1960 namely:—

In the said notification the words "and houses" occurring after the words "in respect of agricultural lands" shall be omitted.

[No. F. 8/15/58(II)-Policy-II.]

KANWAR BAHADUR, Dy. Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 4th May 1960

S.O. 1210.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the industrial dispute between the employers in relation to the Messrs. Bikaner Gypsum Mines Limited, Bikaner and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: DELHI

PRESENT:

Shri E. Krishna Murti, Central Govt. Industrial Tribunal

9th April 1960

I.D. No. 24 OF 1960.

BETWEEN

The employers in relation to the Messrs. Bikaner Gypsum Mines Limited.,

AND

Its workmen.

Shri Anand Parkash—for the management.

Shri Y. R. Bhasin—for the workmen.

AWARD

By G.O. No. LRII-23/17/59, dated the 6th February, 1960, the industrial dispute between the employers in relation to the Messrs. Bikaner Gypsum Mines Limited, and its workmen has been referred to this Tribunal for adjudication under Sections 10(1)(d) of the Industrial Disputes Act 1947.

2. The term of reference is as follows:—

Whether the demotion of Shri A. K. Mukherjee from the post of Electrician to that of the Wireman was justified and if not, to what relief is he entitled?

3. It is alleged in the statement of claim, that Shri A. K. Mukherjee was appointed in the year 1956, that he was discharging his duties as Electrician, that he was an active member of the Union, that a charge-sheet was served upon him on 18th March 1958, that he was suspended from duty, that there is no proper enquiry, that he has been demoted to the post of Wireman A, that such demotion is unlawful, and that he must be restored to the post of Electrician, together with difference of wages.

4. No written statement was filed on behalf of the management. Instead, there was a compromise between the Union and the management, as in Ext. M/I, the terms of which are set out below:—

"The parties have agreed to the following terms and an award may be passed accordingly.

1. The management agrees to pay Rs. 1,100.00 (Rupees Eleven Hundred Only) to Shri A. K. Mukherjee in full and final settlement of all claims of Shri Anil Kumar Mukherjee, inclusive of the compensation payable under the Award in

I.D. No. 245 of 1959, leave wages, difference of bonus for the year 1957-58, and other dues. (The payment would be made on or before the 8th April, 1960 at Jamsar).

2. The above amount does not include the additional bonus, if any, which may be payable for the years 1956-57, 1957-58, 1958-59, 1959-60, under an award or settlement binding on the parties. No liability for the same is, however, admitted by the management.

3. In consideration of the above settlement, Shri A. K. Mukherjee resigns from service, and will not claim any other benefit apart from his P.F. dues, if any, and the bonus as mentioned in para (2) above. The management accepts the resignation forthwith.

4. The management also agrees to issue certificate of service to Shri A. K. Mukherjee as if he was an Electrician at the time of his resignation and the punishment is, herewith, rescinded.

For the workmen of Gypsum Mine
Workers Union.
Sd./- R. C. SHUKLA,
Sd./- A. K. Mukherjee".

Sd./- ANAND PARKASH
Advocate for the management.
The 1st April, 1960.

5. The said compromise is accepted.
6. In the result, an award is passed in terms of the compromise, as set out above.

(Three pages)
The 9th April, 1960.

Sd./- E. KRISHNA MURTI,
Central Govt. Industrial Tribunal, Delhi.

[No. 23/17/59-LRII.]

New Delhi, the 6th May, 1960

S.O. 1211.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial disputes between the employers in relation to the Messrs. Burrakur Coal Company Limited and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD
REFERENCE NO. 65 OF 1959.

PARTIES:

Employers in relation to Messrs. Burrakur Coal Co., Ltd.

AND

their workmen.

PRESENT:

Shri G. Palit, M.A., B.L., Chairman, Central Government Industrial Tribunal, Dhanbad.

APPEARANCES:

For the employers:

Shri S. S. Mukherjea, Advocate,

For the workmen:

Shri D. Narsingh, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 21st April, 1960

AWARD

The Government of India, Ministry of Labour & Employment, by its Order No. LR. II-2(176)/58 dated the 5th November 1959 referred for adjudication under

Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 47) the aforesaid dispute to the Industrial Tribunal, Dhanbad, presided over by Shri Salim M. Merchant. As his service was found to be not available because of his transfer to Bombay, the aforesaid Government by its Order No. 4/47/59-LRII dated 13th January 1960 withdrew the above proceeding under Section 33B(1) of the aforesaid Act and transferred the same to the Industrial Tribunal at Dhanbad presided over by me for disposal. The issue which stands for determination as per schedule to the order of reference is as follows:—

"Whether Shri A. C. Mukherjee, Audit Clerk, working in the Sijua Office of Messrs. Burakur Coal Co., Ltd. should be placed in Clerical Grade I under the Award of the All India Industrial Tribunal (Colliery Disputes) as modified by the Decision of the Labour Appellate Tribunal and, if so, from what date?"

2. According to the Union Shri A. C. Mukherjee is an Audit Clerk in the Sijua Office of Messrs. Burakur Coal Co., Ltd. The affairs of this company are directed and controlled by the C.M.E. appointed by Messrs. Bird & Co., (P) Ltd. and Messrs. F. W. Heilgers & Co. (P) Ltd., who are the managing agents of a number of collieries including this. Shri A. C. Mukherjee had behind him a long period of service of 26 years since 1926 in the Standard colliery of Messrs. Standard Coal Co., Ltd., under the above Chief Mining Engineer. He was later on transferred to the Sijua Office of Messrs. Burakur Coal Co., Limited. He was working in the Standard Colliery as a Cost and Stowing clerk for a number of years and also acted as a Cashier of the colliery in 1951. In either of these two posts he discharged highly responsible functions. He alleges that the Cost and Stowing Clerk in the Loyabad colliery which is also a concern under Messrs. Burakur Coal Co., Ltd., occupies grade I whilst Shri Mukherjee has been put in grade II. His contention is that his colleagues who were working in the Sijua office with him as Audit Clerks have either been put into grade I or into the still higher grade which is called Special Grade under the colliery Award. So there is unfair discrimination so far as he is concerned.

3. According to the management Shri A. C. Mukherjee, of course had worked for about 32 years. First of all in Standard colliery before its closure in 1951, next under the Cashier and eventually when the Cashier was transferred he worked as a Cashier for about a year till the Standard Colliery was wound up. His four colleagues whom he mentioned have been put into Grade I or into the special Grade because they were far superior to him in point of merit and efficiency. Shri N. K. Murthy who has been given a Special Grade could operate a comptometer and did the responsible work of job costing and accounting for 11 years besides being a Cost Clerk at the Loyabad colliery for a long time. Shri A. N. Banerjee, his other colleague was first appointed in 1946 for checking stores but his present duties are control of estimating, capital control, plant and machinery. Shri V. M. Sundaram and Sri S. V. Raman who have both been assigned Special Grade had independent charge of external audit of 3 collieries besides other responsible duties. So Shri A. C. Mukherjee does not bear any comparison to them in the point of efficiency. With regard to the Cost and Stowing Clerk in the Loyabad colliery he is far more efficient and reliable. It is further alleged that the cost Clerk of Saltore colliery is Grade II Clerk as A.C. Mukherjee.

4. Turning to the evidence in the case I am satisfied that there has been rather unfair discrimination so far as Shri A. C. Mukherjee is concerned in the matter of his being put into Grade II. I find that his colleagues were all appointed either as Audit Clerks or Cost Clerk or Stores Clerk. Shri A. C. Mukherjee was also appointed as such. His 4 colleagues were far less junior to him in point of length of service in this line as Audit Clerk. In para 6 of the company's written statement where the duties of Audit Clerks have been mentioned. I find that the operation of comptometer machine is not an essential duty for the qualification of an Audit Clerk. Shri A. C. Mukherjee has given evidence that he can operate calculating machines. As a matter of fact, in the company's own written statement at para 8, I find that only Shri N. K. Murthy among the four Audit Clerks was capable of operating the comptometer machine. So that is not an indispensable qualification. With regard to the audit of colliery accounts and vouchers forwarded to the central office for checking, Shri A. C. Mukherjee has done that as much as his colleagues. Of course, he has not done any internal audit of collieries but that is because he has not been put to it. I could have understood if he was put in doing Internal audit of colliery accounts but proved to be either as not upto the mark or proved a failure, than a case could very well have been made out against him

on the score of inefficiency. That he has not taken part in the general administration is no fault of his. He was never tried in this branch. Now if the positive side of Shri A. C. Mukherjee's qualifications is scrutinised, I find that it is a very good record and is perhaps worthy of praise. He acted as the Cost and Stowing Clerk in the Standard Colliery for a good number of years. Then he acted as a Cashier of the said colliery for over a year. This is admitted. The post of Cashier can never be said to be not responsible. Then he was entrusted with the duty of distributing compensation and keeping the account of the same of the Standard Colliery when it was wound up. This is also a responsible function. It requires a high degree of trust and responsibility. It is not alleged that he was either found wanting or did any dereliction of duty. This is with regard to his past record of service in a colliery under the same management. Now when he came over to the Sijua Office which was a central office, he had to check accounts of the other collieries attached to it. So if he did not do any internal audit, certainly he was in the audit line for all these years. So where is the ground of shunting him while his colleagues are promoted? It is akin to what is said that a dog should be given a bad name before it is hanged. After he is put into Grade II he is practically turned into a relieving hand. He is tried here, there, and everywhere. His colleagues have been promoted and put into higher grades and have been given responsible jobs. So where is the ground for thinking that if Shri A. C. Mukherjee is put into a higher grade he would be found wanting. So on giving a careful consideration to all these facts and circumstances, I am clearly of opinion that the management has given an unfair deal to Shri A. C. Mukherjee so far as the matter of putting him into Grade II is concerned. If after a long period of 33 years of service with no blemish a man is allowed to rot in Grade II, then I should say that the Grade I is an unattainable goal for an Audit Clerk. But what do I find here is that 4 other colleagues have been promoted and put into Grade I or Special Grade but Shri A. C. Mukherjee has been made to rot in grade II. So I award that Shri A. C. Mukherjee must be put in Grade I as soon as this award becomes operative.

With regard to the date from which he should be so promoted, I do not give any retrospective effect. His putting into Grade I might mean increase in the emoluments and any increase in emoluments from back date is bound to give rise to complications. It is never allowed unless the Tribunal is satisfied that the management had an ulterior motive to let down the particular workman. In this case I have no data before me to conclude that the management acted mala fide. It might be just an error of judgment and nothing more but since it is an unfair discrimination between workman and workman and has given rise to industrial unrest, I as a Tribunal cannot but interfere and resolve the dispute. So I grant no retrospective operation to this award.

Dhanbad.

The 21st April 1960.

Sd/- G. PALIT, Chairman,
Central Govt. Industrial Tribunal, Dhanbad.
[No. 2/176/58-LR-II.]

S.O. 1212.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Bankolla colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE NO. 4 OF 1960.

PARTIES:

Employers in relation to the Bankolla Colliery.

AND

Their workmen.

PRESENT:

Shri G. Palit, M.A.B.L., Chairman, Central Government, Industrial Tribunal, Dhanbad.

APPEARANCES:

For the Employers:

Shri S. S. Mukherjee, Advocate, with Shri J. L. Sinha, Group Personnel Officer.

For the workmen:

Shri Mohit Kumar Mukherjee, Advocate, with Shri S. N. Jha, Assistant Secretary, Colliery Mazdoor Congress.

Dhanbad, dated the 21st April, 1960

STATE: West Bengal.

INDUSTRY: Coal.

AWARD

The Government of India, Ministry of Labour & Employment, by its Order No. 2/192/59-LRII dated 5th January 1960 referred the aforesaid dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 47) for adjudication to the Central Government Industrial Tribunal, Dhanbad, presided over by Shri Salim M. Merchant. His services were, however, not available consequent on his transfer to Bombay. So the aforesaid Government by its order No. 4/47/59-LRII dated the 13th January 1960 withdrew the above proceeding under Section 33B(1) of the said Act and transferred the same to the Industrial Tribunal at Dhanbad presided over by me for disposal.

2. The issue which is contained in the schedule to the Order of reference stands as follows:—

"Whether Messrs. Jit Bahadur, Hari Singh and Meher All workers of Bankolla Colliery, are being correctly paid in the daily-rated scales of pay category-II or whether they should be on monthly rates of pay. If they are to be on monthly rates of pay, what should be their grade and with effect from which date should they be fixed on monthly scales?"

3. According to the management the principal duties of the concerned workmen consist in their supervision of the work of trammers and Clipmen of main Endless Haulage. If there is any derailment or undue hold up on main endless line, they attend to it and with the help of trammers and clipmen they expedite such jobs and ensure smooth flow of tubs. They do not submit nor were required to submit any written report of their work. They do not perform any writing work or clerical job. They had no knowledge of English and could not keep up any records or prescribed books which were kept up in English. They were traffic chaprasis or trammer sirdars and as such could never claim to be put into clerical grade. During the conciliation stage the company agreed to increase the daily wages to Rs. 1.75 nP. as basic pay per diem. It is further urged that this rate was accepted in a similar case in the Saunda Colliery as a result of an amicable compromise before this Tribunal.

It is contended on behalf of the union that they were described as 'traffic' in different documents written by the management and as such they should be classed as traffic munshis in Grade III in Appendix XVI of the All India Industrial Tribunal (Colliery Disputes) Award. During the argument the learned Advocate on behalf of the union went a step further and claimed that these men should be classed in Grade II as traffic-in-charge because of their supervisory duties and also of high degree of responsible work.

4. If I look to Appendix XVI of the All India Industrial Tribunal (Colliery Disputes) I find that the grades and nomenclature mentioned therein are meant for the clerical staff. Appendix XII relating to categories mentions each designation of different types of workmen corresponding with the number of the job description [vide pages 1326 and 1300 of the Gazette of India Extraordinary, Part II, Section 3(1) dated 26th May, 1956]. I can understand if the claim of these workmen was of a traffic munshi and not of a traffic-in-charge. In Exhibit-F I find that it is declared by the management on 10th January, 1956 that if these traffic men do not perform their duties rigidly as given in the instructions, he might be forced to declare the post of traffic munshi redundant and he would retrench them all. In other documents namely, Exhibits A to E these men have simply been described as 'traffic'. At best it shows that they belonged to the traffic section of workmen. But it is in evidence that these men supervise the work of trammers and clipmen. They do no writing work, submit no report nor are they capable of writing any report or keeping any records which are maintained in English. This evidence is practically one sided. It is never alleged nor proved that these men had discharged any clerical duties or performed any writing work. That being so, traffic munshi would be a misnomer in this case because munshi stands for clerks who make drafts or do copy out things in a

routined manner. The traffic-in-charge or traffic munshi in charge means persons who do those out-door or underground duties and are entrusted not only with the supervision of the work performed by the men under their control but have to report from time to time the result of their supervision or report of the working. So by no stretch of imagination these men can be put into any of the categories of the clerical staff as enumerated in Appendix XVI of the aforesaid award. If they supervise the work of trammers or clipmen as it transpires in evidence, then they may be traffic sirdars but nothing more than that. So they come practically under the categories as per Appendix XII. They may get a little extra wages for their supervision than the actual trammer men or clipmen. So when the company offers them Rs. 1.75 n.P. as their daily wages I think it should answer the ends of justice. As a matter of fact, this is exactly what is obtained by such men in the Saunda Colliery as a result of a compromise award in Reference No. 51 of 1958 of this Tribunal. So I hold that these men are not entitled to be put in the monthly rate of pay. They have been rightly put in daily rated scales of pay and in Category No. II. But as admitted by the management, I award that they should get Rs. 1.75 n.P. per diem as their wages with effect from the date of the reference i.e. 5th January 1960. The extra sum they are entitled to under this award should be paid to them in one lump within one month of the award coming into operation.

5. Before I part with the records of this case I want to point out that the objection raised by the management on the score of want of jurisdiction, the dispute being an industrial dispute, has been dropped during the hearing. So the union dispensed with the production of any evidence on the point and the matter may be taken as set at rest, the objection being disposed of on admission.

Dhanbad,

(Sd.) G. PALIT, Chairman,

The 21st April, 1960.

[No. 2/192/59-LR-II.]

New Delhi, the 9th May 1960

S.O. 1213.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the industrial dispute between the employers in relation to the United Commercial Bank Limited, Kanpur and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI.

PRESENT:

Shri E. Krishna Murti,

Central Government Industrial Tribunal.

23rd April, 1960.

I.D. No. 12 of 1960.

BETWEEN

The employers in relation to the United Commercial Bank, Kanpur,

AND

Their workmen.

Shri G. R. Monga—for the management.

None—for the workmen.

AWARD

By G.O. No. [LRII-10(101)/59], dated 21st January, 1960, the industrial dispute, between the employers in relation to the United Commercial Bank, Kanpur and their workmen, has been referred to this Tribunal for adjudication under sections 10(1)(d) of the Industrial Disputes Act, 1947 (14 of 1947).

2. The term of reference is as follows:—

Whether Shri Ratan Lal Dwivedi employed as a Chief Cashier in the Kanpur Branch of the United Commercial Bank Limited is a "workman" within the meaning of clause(s) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947) as amended by the Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956 (36 of

1956), if so, whether he is entitled, with effect from the 13th December, 1958 to all or any of the benefits admissible to "workman" under the award of the All India Industrial Tribunal (Bank Disputes) constituted by the Government of India in the Ministry of Labour S.R.O. No. 35, dated the 5th January, 1952, as modified by the Industrial Disputes (Banking Companies) Decision Act, 1956.

3. It is alleged in the statement of claim filed on behalf of the workmen, that Shri Rattan Lal Dwivedi is a permanent employee of the United Commercial Bank Ltd.; that his designation is Chief Cashier; that it is equivalent to the post of Head Cashier in other Banks; that he is a "workman" under the Industrial Disputes Act; that he is performing clerical duties; that he is not performing directional, or controlling, or administrative duties; that he is getting less than Rs. 500/- per month; that he is entitled to the benefits according to the Sastry Award, and that Shri Dwivedi should be declared to be entitled to all the benefits of the modified Sastry Award, as a workman.

4. The contention on behalf of the Bank is, that Shri Dwivedi is not a "workman" within the meaning of Section 2(s) of the Industrial Disputes Act; that the reference is invalid; that Shri Dwivedi is working on the strength of a special contract of service with the Bank as Chief Cashier; that the Sastry Award has ceased to be in force after the 31st March, 1959; that Shri Dwivedi is governed entirely by the Bank's terms and conditions of service; that, in any case, he did not choose the terms and conditions of the Sastry Award within the period fixed; that accordingly he is now stopped from claiming any and all of the benefits admissible to workmen under the said Award; that the duties of Shri Dwivedi are mainly of a managerial and administrative, or directional and controlling nature; that the fact, that Shri Dwivedi is getting less than Rs. 500/-, is of no significance, and that the claim, put-forward on his behalf, is not equitable, or justified, and has no legal basis whatever.

5. Both parties are agreed, that the issue is as in the term of reference.

6. At the time this dispute came on for hearing, both parties reported settlement. On behalf of the Bank Shri G. R. Monga, who is the Manager, United Commercial Bank Ltd., Karol Bagh, was examined, and he deposed as MWI, that the matter was settled, and that the workman had given up his claim, and that he had signed the document Ext. M/I. Ext. M/2 is signed by the President of the Union. Ext. M/2A is a copy of Ext. M/2, received by post, and signed by Shri V. N. Sekhri, the President of the Union. Ext. M/I is a letter of Shri Dwivedi himself. It is clear from the evidence, that the dispute between the parties has been mutually settled, and the claim on behalf of Shri Dwivedi has been withdrawn by the Union.

7. In the result, an award is passed as follows:—

- (i) The dispute between the parties has been mutually settled, and the claim is withdrawn.
- (ii) No order as to costs.

(Three pages).

The 23rd April, 1960.

E. KRISHNA MURTI,

Central Government Industrial Tribunal,
Delhi.

[No. 10(101)/59-LRII.]

S.O. 1214.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the National Coal Development Corporation (Private) Limited and their workmen employed in Serampore Colliery.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD

REFERENCE NO. 2 OF 1960.

PARTIES:

National Coal Development Corporation (Private) Ltd.

AND

Their workmen employed in Serampore colliery.

PRESENT:

Shri G. Palit, M.A., B.L., Chairman,
Central Government Industrial Tribunal, Dhanbad.

APPEARANCES:

Shri K. Sharan, Labour Officer, National Coal Development Corporation
(P) Ltd.—for the management.Shri Prakiti Bhushan Gupta, President, Colliery Mazdoor Sangh—for the
workmen.

STATE: BIHAR.

INDUSTRY: COAL.

Dhanbad, dated the 21st April, 1960.

AWARD

The Government of India, Ministry of Labour & Employment by Order No. LR.II/2(7)/59, dated 24th December 1959 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947) referred to Shri Salim M. Merchant for adjudication the industrial dispute between the parties above named. But as his service was found to be not available and also for convenience of the parties and quick disposal, the Central Government withdrew the proceedings in relation to the said dispute under Section 33B(1) of the said Act and referred the same to me as Industrial Tribunal at Dhanbad by its Order No. 4/47/59-LRII, dated the 13th January 1960. The issues which were referred to in the schedule to the order of reference stands as follows:—

- "(1) Whether the National Coal Development Corporation was justified in ordering the retirement of Shri Janab Etwari Meah, Chowkidar, Serampore Colliery, on his reaching the age of 55, on 1st July 1957, if not, to what relief is he entitled?
- (2) Whether the National Coal Development Corporation was justified in altering the date of birth of Shri Janab Etwari Meah from 14th February 1912 to 1st July 1902 after conducting a medical examination on 4th May 1955, if not to what relief is he entitled?"

2. In this case I get from the Ministry of Labour & Employment a letter, dated 9th February 1960 that Shri Janab Etwari Meah of Serampore colliery has since died. I get it also from the parties that Shri Janab Etwari Meah, Chowkidar, is really dead. So the point that is mooted before me is whether in such circumstances the proceeding should be taken as having been abated or lapsed. It is contended by the management that since the employee in question at whose instance this dispute was raised has since died the case can no longer lie. It is contended on behalf of the union that since he was alive on the date the dispute was raised and since he has died during the pendency of the case, the case can be maintained in law. I am afraid the contention of the union is misconceived. The industrial dispute pre-supposes a relationship of master and servant between the employer and the employee concerned either actual or notional. For instance, if a man is dismissed still notionally the relationship of employer and employee is taken as subsisting. That is why relief can be given to the dismissed or discharged workman, though in fact the relationship has ceased to exist. But when the man is dead, by no stretch of imagination such relationship can be supposed to be subsisting. So the dispute must be taken to have come to an end. It is the union which represents the workman concerned but is not itself a party to the dispute. When the man is dead the union has nobody to represent and as such cannot continue to carry on the dispute. Besides, the Industrial Disputes Act provides for giving relief to the workman concerned by

resolving the dispute and such relief comes in the shape of reinstatement, compensation, etc. These reliefs are personal. A dead man cannot be reinstated or cannot be compensated. The compensation cannot be given to an heir of a dead man. There is no provision in the Industrial Disputes Act, 1947 bearing on this matter. If the Civil Law had governed the matter, then there would have been a substitution of the heirs of the deceased. In such a case the substituted heirs would be given monetary compensation or other relief. But in an industrial dispute proceeding, no substitution is permissible or provided for. So the question of giving any relief does not arise. Section 18 is the only section of the Act which can be extended to apply to the matter. But that is with regard to the binding nature of the award on the successors or persons appointed after the date of the dispute in the concern in question. It creates an obligation but does not cover a case like the present one. So, in the circumstances, I award that the reference is struck off as being not maintainable in view of the changed circumstances. This is my award.

(Sd.) G. PALIT, Chairman,
Central Government Industrial Tribunal,
Dhanbad.

DHANBAD;

The 21st April, 1960.

[No. 2/7/59-LR-II.]

ORDERS

New Delhi, the 4th May 1960

S.O. 1215.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the East Bastacolla Colliery, Post Office Dhansar District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of East Bastacolla colliery, Post Office Dhansar, in not allowing Sarvashri Ram Prasad, Suku and Ram Dular Yadav to resume work after the restart of the colliery on 24th August 1959, on the withdrawal of the strike is justified? If not, to what relief are they entitled?

[No. 2/58/60-LRII.]

New Delhi, the 6th May 1960

S.O. 1216.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kamptee Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Additional Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the workmen employed in the Kamptee colliery are entitled to payment of sick khoraki, and if so, at what rates and from which date after the 7th April 1959?

[No. 1/23/60-LR-II.]
S. N. TULSIANI, Under Secy.

New Delhi, the 4th May 1960

S.O. 1217.—In pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby nominates Shri B. Mukherji, I.C.S., Joint Secretary to the Government of India, Ministry of Finance, to be a member of the Employees' State Insurance Corporation in the place of Shri M. S. Bhatnagar, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. HI-1 (196)/57, dated the 15th March, 1958, namely:—

In the said notification, under the heading 'Members', for item 5, the following item shall be substituted, namely:—

"(5) Shri B. Mukherji, I.C.S., Joint Secretary to Government of India, Ministry of Finance."

[File No. HI-1(29)/I/60.]

S.O. 1218.—In pursuance of section 8 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby nominates Shri B. Mukherji, I.C.S., Joint Secretary to the Government of India, Ministry of Finance to be a member of the Standing Committee of the Employees' State Insurance Corporation in the place of Shri M. S. Bhatnagar, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. HI-1(118)/59, dated the 4th July, 1959, namely:—

In the said notification, for item (3), the following item shall be substituted, namely:—

"(3) Shri B. Mukherji, I.C.S., Joint Secretary to the Government of India, Ministry of Finance."

[File No. HI-1(29)/II/60.]

S.O. 1219.—In pursuance of section 11 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby accepts the resignation by Lt.-Col. Jaswant Singh of his membership of the Employees' State Insurance Corporation constituted under the said Act.

[File No. HI-1(28)/60.]

New Delhi, the 6th May 1960

S.O. 1220.—In pursuance of section 36 of the Employees' State Insurance Act, 1948 (34 of 1948), the revised estimates for the year 1959-60 and budget estimates for the year 1960-61 of the Employees' State Insurance Corporation as finally adopted by the Corporation are hereby published for general information. (Here set out the revised estimates and the budget estimates).

EMPLOYEES' STATE INSURANCE CORPORATION

REVISED ESTIMATES FOR THE YEAR 1959-60

AND

BUDGET ESTIMATES FOR THE YEAR 1960-61

At its meeting held on the 30th and 31st March, 1959, the Budget Estimates of the probable receipts and expenditure of the Employees' State Insurance Corporation for the financial year 1959-60 were approved by the Standing Committee with the recommendation that a provision of Rs. 1 lakh should be made for providing amenities to the staff of the Corporation and that this expenditure might be met by re-appropriation of funds. The estimates were also passed by the Corporation at its meeting held on the 1st April, 1959. These were approved by the Central Government without any change vide the letter from the Ministry of Labour and Employment No. HI-4(13)/59, dated the 27th April, 1959.

2. The Budget Estimates approved by the Central Government covered:

- (i) measures needed for the running of the Scheme in various centres where it had already been implemented; and
- (ii) measures needed for the extension of the Scheme at other places.

3. At the time of preparing the Budget Estimates for 1959-60, it was anticipated that (i) the Scheme would be extended to new areas and (ii) medical care would be extended to the families of the insured persons as detailed in Statement 'B' from the dates shown against each item in columns 5 and 7 respectively. However, due to administrative and other difficulties of the State Governments concerned, the programme of implementation and extension of medical care to the families could not be adhered to and the Scheme was actually extended in some of the areas from later dates as shown against items 1, 9, 17 and 23 of the Statement 'B'. As regards the remaining items, the revised dates of implementation as anticipated now have been stated against each item. The Scheme was also extended to Khasa in Amritsar District although it was not envisaged in the original budget estimates. The dates from which the medical care has been extended or likely to be extended have also been indicated against each item in column 8 thereof.

4. As a result of further discussions and correspondence with the various State Governments, it is now anticipated that the Scheme will be implemented in new areas in 1959-60 and 1960-61 from the dates as shown in the Statement in Appendix I. For the sake of convenience, the places where the Scheme has already been implemented in the past with the dates of implementation have also been embodied in this Appendix. In the light of the latest information available, the revised number of covered employees have been stated in Appendix I. The dates from which the medical care has been extended or likely to be extended to the families of the insured persons have also been indicated against each item in this Appendix.

5. The Revised Estimates for 1959-60 and the Budget Estimates for 1960-61 have now been prepared in the light of the revised programme of implementation and the progress of actuals during the first eight months of the year 1959-60. These are submitted for consideration and approval [Statement (A)].

6. In column 9 of the Statement 'A', the revised estimates have been shown for the year 1959-60 and in column 10, the Budget Estimates for the year 1960-61.

7. (a) Brief explanations of the amounts provided under the various heads are furnished below, wherever they are deemed necessary. Income and Expenditure Accounts along with the Balance Sheets as these are expected to stand on the 31st March, 1960, and the 31st March, 1961 are also enclosed. In addition, the following statements are appended:—

Actuals

- | | |
|--|---------------|
| (1) Statement showing the income and expenditure region-wise for the year 1956-57 | Appendix II. |
| (2) Statement showing the income and expenditure region-wise for the year 1957-58 | Appendix III. |
| (3) Statement showing the income and expenditure region-wise for the year 1958-59 | Appendix IV. |

Budget

- | | |
|--|--------------|
| (4) Statement showing the anticipated income and expenditure region-wise for the year 1959-60 | Appendix V. |
| (5) Statement showing the budgeted income and expenditure region-wise for the year 1960-61 | Appendix VI. |

(b) The transactions shown under the heading "Headquarters" in the above statements include expenditure on certain centralised items incurred in respect of Regional and Local Offices also, such as contributions to the Provident Fund of the employees of the Corporation and towards leave and pension of Government servants on deputation to the Corporation, bank charges, publicity, stationery and forms, contribution stamps, audit fees and receipt on account of interest and dividends.

8. Under Section 73-A of the Employees' State Insurance Act, the Central Government have already decided to increase the rates of Employer's Special Contribution to 3½ per cent and 1½ per cent of the wages in implemented and non-implemented areas respectively. However, it was decided by the Standing Committee at its meeting held on 13th August, 1958 that the rates of the Employer's Special Contribution should not be increased even with the extension of medical care to families of the insured persons for so long as the current expenditure can be met from the current revenues. The receipt on account of Employer's Special Contribution has, therefore, been provided at the present rates, viz., 1½

per cent. of the wages of employees in the implemented areas and at $\frac{3}{4}$ per cent. in non-implemented areas.

9. The provision under the head "A—Medical Benefit" representing the Corporation's share of the total expenditure initially incurred by the State Governments in providing medical care to the insured persons has been made at 7/8 from the date from which medical care is extended to the families of the insured persons and at 3/4 without such extension.

10. The other notable features are that the estimates include provision:

- (a) for the grant of extended benefit to insured persons suffering from cancer, leprosy and other malignant diseases from 1st June, 1959;
- (b) for the grant of artificial dentures to the insured persons; and
- (c) for the grant of temporary disablement benefit from an earlier date as a result of amendment to the Workmen's Compensation Act providing reduction in waiting period from 7 to 3 days from 1st June, 1959.

REVISED ESTIMATES FOR THE YEAR 1959-60

Receipts

11. The total amount of ordinary revenue is now estimated to be Rs. 7,81,23,000 for the year 1959-60 as against Rs. 9,50,97,500 assumed in the budget. The decrease in revenue is mainly under the following heads which is due to delay in implementing the Scheme in some areas and the non-implementation of the Scheme in other areas as stated in para 3.

	Budget Estimates for 1959-60	Revised Estimates for 1959-60
	Rs.	Rs.
Employer's Special Contribution ..	3,40,00,000	3,11,48,000
Employees' Contribution ..	5,53,00,000	4,10,32,000

Expenditure

12. The total amount of expenditure on revenue account is now estimated to be Rs. 6,31,95,000 against Rs. 8,27,09,800 originally assumed in the Budget. This fall in expenditure of about Rs. 195 lakhs is made up of a reduction of about Rs. 190 lakhs under "Medical Benefits" and about Rs. 5 lakhs under "Cash Benefits". It is mainly due to the non-implementation of the Scheme at various centres and non-extension of medical care to the families of the insured persons as explained in para 3 above. There is no appreciable reduction under "Cash Benefits" as the incidence of sickness is slightly on the upward trend and has not yet stabilised finally. Further, the revised estimates include (i) provision for the grant of extended sickness benefit from 1st June, 1959 to those insured persons who are suffering from cancer, leprosy and other malignant diseases, (ii) additional provision of Rs. 10 lakhs to meet the deficiency, as pointed out by the Valuer, in the reserves created prior to 1958-59 for capitalisation of the recurring Permanent Disablement Benefits. There is also slight increase in the expenditure on account of temporary disablement benefit due to reduction in waiting period from 7 to 3 days with effect from 1st June, 1959.

13. *Administration expenses*.—The total expenditure on account of 'administration expenses' during the year 1959-60 as now anticipated will be Rs. 96,35,000 the same as originally envisaged in the budget. Though the Scheme has not been implemented at certain centres as explained in para 3 above, no savings in the expenditure provided originally is expected as the original provision was reduced by about Rs. 9,47,000 pending sanction of the posts required for areas where the Scheme was anticipated to be implemented. The bulk of the increase in expenditure is mainly under "Contingencies" to the extent of about Rs. 10 lakhs, mainly under stationery and forms, purchase, maintenance and repair of adrema equipment and purchase of stores like typewriters. Special equipment for records, furniture, etc., required for new areas, e.g., Greater Calcutta (District of Hoogly and 24 Parganas) where the Scheme is likely to be implemented from 1st April, 1960, are likely to be purchased to some extent in 1959-60. Initial expenditure has also been incurred on the printing of forms for registration of insured persons as well as of families in Greater Calcutta and Ahmedabad in advance of the implementation of the Scheme.

The administrative expenditure *per capita* on the basis of the revised estimates of Rs. 96,35,000 will now be, on the basis of the weighted average number of insurable employees, Rs. 6·6 per insured employee against Rs. 5·3 in 1958-59. The amount assessed by the Valuer in his Valuation Report for the quinquennium ended 31st March, 1954 was Rs. 7·7 per insured employee.

14. Capital expenditure.—The amount originally provided for expenditure on Capital Account was Rs. 105 lakhs comprising of (a) Rs. 5 lakhs for the construction of office building for the Headquarters Office of the Corporation in New Delhi, and (b) Rs. 100 lakhs for the construction of hospitals and dispensaries. The work relating to the construction of Headquarters Office building has since been entrusted to the Central P.W.D. and a sum of Rs. 5 lakhs has already been advanced to them during the current year. The payments are made in instalments for the expenditure incurred or likely to be incurred in the next three to six months. It is anticipated that the work to the tune of Rs. 6 lakhs may be completed in 1959-60. There are also proposals to purchase outright the building at present occupied on rent by the Regional Office, Madras at a cost of about Rs. 75,000 in 1959-60, and to construct a building for the Regional Office, Kanpur. A plot of land measuring about 2·634 acres has been acquired through the Development Board, Kanpur on a lease of 999 years and the cost of site amounting to Rs. 65,859 has since been paid. The cost of construction of the building estimated to be Rs. 1,50,000 may be incurred in 1960-61.

So far an expenditure of Rs. 5,88,166 only has been incurred during the current year 1959-60 on the construction of hospitals and dispensaries. As a result of further negotiations with the State Governments, it is anticipated that a total expenditure of Rs. 56 lakhs may be incurred in 1959-60.

15. Debt, Deposits, etc.—Against the loan of Rs. one crore to be drawn in instalments sanctioned by the Corporation to the Government of Bombay for the construction of separate hospitals for the insured persons, a provision of Rs. 80 lakhs had been made in the original budget estimates for 1959-60. As the Government of Bombay have not so far requested for the payment of any instalment, the provision in the revised estimates has been kept at Rs. 10 lakhs only.

16. Cash balance.—The year is expected to close with a cash balance of Rs. 50,01,288 after investment of Rs. 1,07,98,000 (net) on account of Employees' State Insurance Corporation Provident Fund and general cash balance.

BUDGET ESTIMATES FOR THE YEAR 1960-61 Receipts

17 Provision on account of Employer's Special Contribution which is payable quarterly in arrears, has been made at the existing rates, *viz.*, 14 per cent of the wages of the employees in the implemented areas and at 3 per cent in the non-implemented areas. The provision under Employees' Contribution comprises of contributions at the scheduled rates from the employees of all implemented centres for the whole or part of the year depending upon the respective dates of coverage.

18. Other heads of Revenue.—A sum of about Rs. 61,00,000 is expected to be earned as interest on the investment of the General Cash Balance and Rs. 12,000 as rent from the employees of the Corporation to whom the surplus accommodation available in the Corporation's building at Bombay has been let out as residential flats. The provision of Rs. 90,000 under "Miscellaneous receipts" includes (i) Rs. 36,400 on account of fees expected to be recovered from insured persons for the issue of duplicates of lost identity cards; (ii) Rs. 22,550 for recoveries of costs of law suits; (iii) about Rs. 26,450 as miscellaneous receipt including application fees from the candidates who may apply for the posts likely to be filled by the Corporation during the year and (iv) Rs. 4,600 on account of contribution from the employees of the Corporation towards the Contributory Health Scheme in Delhi and New Delhi.

Expenditure

19. The increased provision under the various heads in the budget estimates for the year 1960-61 over the revised estimates for the year 1959-60 are mainly due to:

- (i) the extension of medical care to the families of insured persons in almost all the centres where the Scheme has already been extended or likely to be extended up to 31st March, 1961 except in West Bengal region;

- (ii) the extension of the Scheme to new areas; and
- (iii) the operation of the Scheme implemented in 1959-60 for full year instead of a part of the year.

20. Medical Benefits.—The Corporation's share of the total expenditure incurred by the State Governments, in providing medical care to the insured persons has been increased from 3/4th to 7/8th from the date from which medical care is extended to the families of the insured persons. The medical care is not likely to be extended to the families of the insured persons in West Bengal before 31st March, 1961 and hence in the case of West Bengal, the Corporation's share will remain at 3/4th only. It is anticipated that the Corporation's share of the cost of medical care for the insured persons and their families for 21,01,500 insured employees and 15,45,500 units of their families as detailed in Appendix I will be about Rs. 4,45,00,000.

21. Cash benefits.—The provision made for the various cash benefits are based on the progress of actuals per insured employee for the first eight months of the year 1959-60 after making due allowance (i) for the commencement of the benefit periods, (ii) the wages in the different areas, and (iii) the slow progress of expenditure in the first year of implementation of the Scheme in new areas. It includes capitalised values of the total liability of the Permanent (partial and total) Disablement and Dependant's Benefits expected to arise out of employment injuries occurring in the course of the year.

22. Administration Expenses.—The Administration expenses have been exhibited under two heads, viz., (A) Superintendence, and (B) Field Work. Subject to the remarks in para 7(b) above, the head "A—Superintendence" embraces administrative expenditure relating to the Headquarters and the Regional Offices while 'B—Field Work' covers similar expenditure pertaining to the Local and Inspection Offices.

23. A total provision of Rs. 112.14 lakhs has been made in the Budget for the year 1960-61 which works out to a *pro rata* expenditure of about Rs. 5.6 per insured employee. Provision on account of pay and allowances has been made for the posts which have already been sanctioned by the Standing Committee except in respect of posts required for certain new centres in Andhra Pradesh, Bihar, Madhya Pradesh, Madras, Mysore, Punjab, Rajasthan and Uttar Pradesh Regions and at Sholapur. Pending sanction of the posts for new centres by the Administrative Sub-Committee or Standing Committee as the case may be, the provision on this account has been reduced by about Rs. 1.97 lakhs. The proposals for sanction of posts for the new centres will be submitted separately for approval in due course. No provision has been made for the increase in pay as a result of the merger of part of the Dearness Allowance into Pay as recommended by the Pay Commission as formal orders have not yet been issued by the Central Government. In case further provision is required on this account, a supplementary budget will be submitted to the Standing Committee.

A statement showing details of the provision made under the head "Allowances and Honoraria" is attached, vide Statement 'C'.

24. Contingencies (both under A—Superintendence and B—Field Work).—
 (a) The various sub-heads under which provision has been made are self-explanatory. The provision under the head "Contribution Stamps" represents the manufacturing cost of the stamps and the commission payable to the Banks for their custody and sale. These stamps are sold to the employers who affix them on contribution cards in payment of the employees' share of contribution.

(b) Legal charges.—The charges represent fees paid to lawyers and other court charges in cases instituted by and against the Corporation. The number of such cases is on the increase partly due to the progress and extension of the Scheme and partly due to the policy adopted for taking prompt legal action for the recovery of overdue contributions and for prosecuting habitual defaulters.

25. *Capital expenditure.*—A sum of Rs. 6,50,000 has been provided as capital expenditure to cover the expenditure likely to be incurred during the year 1960-61 for the construction of office buildings as follows:

Headquarters Office	..	Rs. 5,00,000
Kanpur Regional Office	..	Rs. 1,50,000
		6,50,000

Though the exact requirements of the various State Governments have not yet been made known to the Corporation, a provision of Rs. 98.50 lakhs on an *ad hoc* basis has been made in 1960-61 comprising of (i) Rs. 92.50 lakhs for construction of hospitals and dispensaries and (ii) Rs. 6 lakhs for equipments of hospitals.

26. *Debt, Deposits, etc.*—A provision of Rs. 80 lakhs has been made for the grant of loan to the Government of Bombay for construction of separate hospitals for the insured persons. The Corporation has already sanctioned a total loan of Rs. 100 lakhs which is expected to be drawn by the Government of Bombay in instalments.

27. *Cash balance.*—The revenue surplus for the year 1960-61 is estimated to be Rs. 10.63 lakhs but this will be insufficient to meet the estimated Capital expenditure of Rs. 105 lakhs and Rs. 80 lakhs required for the grant of loans for the construction of hospitals. There will thus be no amount (net) available for investment during the year 1960-61 but on the contrary, securities worth about Rs. 177 lakhs from the accumulated investment of previous years may have to be sold for meeting the capital and loan expenditure during the year 1960-61.

After investment of Rs. 10,15,000 the amount of the Employees' State Insurance Corporation Provident Fund balance, it is anticipated that the closing cash balance on 31st March, 1961 will be Rs. 51,60,388.

28. *Enhancement of the rates of E.S.C. (Employer's Special Contribution).*—It will be seen from the foregoing that although E.S.C. is being levied at 1*t* per cent and $\frac{1}{2}$ per cent in implemented and non-implemented areas respectively, a revenue surplus of Rs. 149.28 lakhs is anticipated for the year 1959-60. This is a big drop from the revenue surplus of Rs. 234.91 lakhs for the year 1958-59. The revenue surplus for the year 1960-61 will dwindle down further and will stand at Rs. 10.63 lakhs only.

A perusal of the statements showing the anticipated income and expenditure region-wise for the years 1959-60 and 1960-61 (*vide Appendices V and VI*) will show that in most of the regions, the revenue collected within that region is not sufficient to meet the expenditure on revenue account incurred in that region. This is due to the considerable increase in medical expenditure on account of the extension of medical benefits to the families of insured persons in the centres where the Scheme has already been extended without any increase in the amount of contributions received in those centres. In fact there was revenue deficit even during the year 1958-59 for Madhya Pradesh and Rajasthan regions. The overall position for all-India will, however, be a revenue surplus for the years 1959-60 and 1960-61. This fortuitous circumstance has been principally due to the postponement of the extension of medical benefits to the families of insured persons in the two largest regions, *viz.*, Bombay and West Bengal. In Bombay region (No. of insured employees—5,64,000) medical benefits are expected to be extended to the families of insured persons only from 1st January, 1961 while in the West Bengal region (No. of insured employees—5,56,000) they are not expected to be extended even up to 31st March 1961. It can, therefore, be stated that the revenues collected in Bombay and West Bengal regions, due to postponement of extension of medical care to the families of insured persons in these regions, have wiped out the deficits in other regions resulting in an overall all-India revenue surplus.

This fortuitous circumstance cannot continue for long as it is the policy of the Corporation to extend medical benefits to the families of insured persons with the least possible delay. There is also an upward trend in the amount of cash benefits paid to the insured persons and further increase in respect of enhanced sickness benefits on account of TB, leprosy and other malignant diseases may be anticipated. Any slight increase in the amounts of cash and medical benefits will, therefore, result in the revenues not being sufficient to meet current revenue

expenditure, and it will then be necessary to enhance the present rates of ESC to 3½ per cent and 1½ per cent in implemented and non-implemented areas respectively. In the alternative, the Central Government may decide to scrap the transitory provisions in Chapter V-A of the Act immediately after the Scheme is implemented in Greater Calcutta and Ahmedabad so that the employer's contribution will thereafter be levied at the full schedule rates. The position has, therefore to be watched continuously. In any case, it can safely be stated that the enhancement of the employer's contribution may have to be enforced from a date not later than the 1st April, 1961.

V. R. MAHADEVAN,
Chief Accounts Officer,
Employees' State Insurance Corporation.

EMPLOYEES' STATE INSURANCE CORPORATION

Statement 'A'

Revised Estimates for the Year 1959-60 and Budget Estimates for the year 1960-61

RECEIPTS

Sl. No.	Heads of Account	Revised Estimates for the current year 1959-60								Budget estimates for the next year 1960-61
		Actuals for the year 1956-57	Actuals for the year 1957-58	Actuals for the year 1958-59	Sanctioned budget estimates for the current year 1959-60	Actual of first 8 months of the current year 1959-60	Anticipated receipts of the remaining 4 months of the current year 1959-60	Revised estimates for the current year 1959-60	(Cols. 7 + 8)	
1	2	3	4	5	6	7	8	9	10	
<i>Principal Heads of Revenue.</i>										
I.	Contributions :-									
	Employers' Share only . . .	2,59,39,404	2,83,41,328	2,90,24,081	3,40,00,000	2,27,78,209	83,60,791	3,11,48,000	3,33,84,000	
	Employees' Share only . . .	3,22,02,834	3,52,35,954	3,81,11,950	5,53,00,000	2,75,07,627	1,35,24,373	4,10,32,000	5,10,00,000	
II.	Grant-in-aid, Donations & Gifts	..	..	..	..	..	..	..	..
<i>Other Heads of Revenue</i>										
III.	Interest and Dividends	31,52,949	30,46,561	50,52,671	57,16,200	38,14,884	20,32,116	58,47,000	61,00,000	
IV.	Compensations	..	..	..	..	..	..	..	..
V.	Rents, Rates and Taxes	14,838	14,876	13,365	9,800	7,670	3,830	11,500	12,000	
VI.	Fees, Fines and Forfeitures	13,907	13,007	9,188	5,000	(—)324	3,824	3,500	3,000	
VII.	Miscellaneous	50,271	59,769	70,217	66,500	58,861	22,139	81,000	90,000	
TOTAL - REVENUE		6,13,74,203	6,67,11,495	7,22,81,472	9,50,97,500	5,41,66,927	2,39,56,073	7,81,23,000	9,05,89,000	

Deposits, Advances & Suspense.

Ordinary Debts :

Loans :

Loans received from Central Government
Loans refunded by State Government

Unfunded Debt.

Employees' State Insurance Corporation Provident Fund :—

Employees' Subscription . . .	2,28,329	3,05,849	3,98,972	4,50,000	3,28,224	1,71,776	5,00,000	5,50,000
Corporation Contribution . .	1,20,149	1,88,895	2,27,850	3,00,000	..	3,00,000	3,00,000	3,50,000
Interest on Employees' Subscription . .	20,649	28,999	40,563	50,000	..	55,000	55,000	65,000
Interest on Corporation's Contribution . .	13,543	16,908	24,586	26,000	..	37,000	37,000	50,000
TOTAL—UNFUNDED DEBT . . .	3,82,670	5,40,651	6,91,971	8,26,000	3,28,224	5,63,776	8,92,000	10,15,000

Deposits and Advances.

Reserve Funds

Depreciation Reserve Fund of buildings for the offices of the Corporation.

**Depreciation Reserve Fund Account of
buildings for the offices of the
Corporation.**

Annual depreciation charges transferred to the fund.

Interest accrued and/or realised on investments.

**Depreciation Reserve Fund Account
of equipments in Hospitals and
Examination Centres :**

Depreciation Reserve Fund Account of equipment.

Annual depreciation charges transferred to the Fund . . .

12,200	12,200	4,700	12,200	..	4,700	4,700	4,700
2,515	(--) 918	1,916	2,200	1,165	735	1,900	2,000
..

1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Interest accrued and/or realised on investments		..	..	..	..	..	..	..	..
Repairs & Maintenance Reserve Fund of buildings for the offices of the Corporation :									
Repairs & Maintenance Reserve Fund of buildings for the offices of the Corporation									
Annual maintenances and repair charges transferred to the fund	13,650	13,650	19,450	13,700	..	19,500	19,500	19,500	
Interest accrued and/or realised on investment	2,503	610	2,486	2,800	1,478	1,022	2,500	2,900	
Deduct—Actual payments during the year	(—)237	(—)552	(+)337	(+)35,000	(—)24,077	(—)23,923	(—)48,000	(—)52,000	
Permanent (partial & total) Disablement Benefit Reserve Fund :									
Permanent (partial & total) Disablement Benefit Reserve Fund Account									
Annual amount transferred to the Fund	14,12,500	15,03,500	23,86,500	26,00,000	..	33,60,000	33,60,000	35,00,000	
Interest accrued and/or realised on investments	50,759	82,451	1,42,952	1,96,400	80,672	1,16,128	1,96,800	2,64,000	
Deduct—Actual payments during the year	(—)1,92,913	(—)3,09,447	(—)4,69,568	(—)6,68,000	..	(—)7,06,000	(—)7,06,000	(—)9,80,000	
Dependants' Benefit Reserve Fund :									
Dependants' Benefit Reserve Fund Account :									
Annual amount transferred to the fund	5,17,800	5,49,500	9,31,500	9,50,000	..	10,00,000	10,00,000	13,40,000	
Interest accrued and/or realised on investments	15,284	26,034	43,060	67,700	27,279	41,121	68,400	86,000	
Deduct—Actual payments during the year	(—)80,267	(—)1,32,978	(—)1,90,527	(—)3,14,000	..	(—)2,84,000	(—)2,84,000	(—)4,10,000	
TOTAL—RESERVE FUNDS	17,53,794	17,44,050	28,72,806	28,28,000	86,517	35,29,283	36,15,800	37,77,100	

Deposits of Securities	13,212	38,260	25,479	25,000	39,673	10,327	50,000	50,000
Other Deposits (net)*	1,43,548	53,236	..	..	26,006*	1,194	27,200*	..
TOTAL—DEPOSITS	1,56,760	91,496	25,479	25,000	65,679	11,521	77,200	50,000
<i>Advances :</i>								
(a) Permanent Advances	727	888	95	..	133	67	200	..
(b) Advances to the employees of the Corporation :								
(i) Advance of pay on transfer	9,302	21,411	28,714	32,000	15,817	16,183	32,000	32,000
(ii) Advance of T.A. on transfer	11,565	19,691	34,655	36,000	19,589	10,411	30,000	30,000
(iii) Advance for the purchase of motor conveyances	7,373	11,673	11,286	12,000	4,160	3,040	7,200	12,000
(iv) Advance for the purchase of other conveyances	9,616	10,919	13,341	15,000	12,248	2,752	15,000	15,000
(v) Miscellaneous	44,639	156,244	64,326	70,000	21,915	60,085	82,000	82,000
(c) Other Advances :—								
(i) Advance payments on behalf of State Governments	1,328	978	1,234	1,400	..	1,400	1,400	1,400
(ii) Advance to the Bank for the purchase of Securities (net)*	3,92,76,044	..	60*	..	..	100	100*	..
(iii) Miscellaneous	21,707	81,274	1,05,928	2,00,000	44,738	1,55,262	2,00,000	2,00,000
TOTAL—ADVANCES	3,93,82,301	2,03,078	2,59,639	3,66,400	1,18,600	2,49,300	3,67,900	3,72,400
<i>Remittances.</i>								
Cash Remittances (net)*	37,500*	..	4,96,300*	..	..	20,07,000	20,07,000*	..
Cash Other Remittances (net)* . . . .	..	..	..	..	36*	64	100*	..
TOTAL—REMITTANCES	37,500	..	4,96,300	..	36	20,07,064	20,07,100	..
TOTAL—DEBT, DEPOSITS, ADVANCES, SUSPENSE & REMITTANCES	4,17,13,025	25,79,275	43,46,195	40,45,400	5,99,056	63,60,944	69,60,000	52,14,500
TOTAL—RECEIPTS	10,30,87,228	6,92,90,770	7,66,27,667	9,91,42,900	5,47,65,983	3,03,17,017	8,50,83,000	9,58,03,500
Opening Balance	36,33,514	51,78,857	55,71,680	56,27,680	69,65,788	..	69,65,788	50,01,288
GRAND TOTAL	10,67,20,742	7,44,69,627	8,21,99,347	10,47,70,580	6,17,31,771	3,03,17,017	9,20,48,788	10,08,04,788

NOTE :—The detailed heads under which no figures appear have been omitted.

V. R. MAHADEVAN,
Chief Accounts Officer,
Employees' State Insurance Corporation.

*Employees State Insurance Corporation Revised Estimates for the year 1959-60
and
Budget Estimates for the Year 1960-61*

STATEMENT 'A'

Expenditure

Serial No.	Heads of Accounts	Actuals for the year 1956-57	Actuals for the year 1957-58	Actuals for the year 1958-59	Sanctioned budget estimates for the current year 1959-60	Revised Estimates for the current year 1959-60			Budget estimates for the next year 1960-61
						Actuals of the first 8 months of the current year 1959-60	Anticipated expenditure of the remaining 4 months of 1959-60	Revised estimates for the current year (Cols. 7+8)	
1	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>Expenditure on Revenue Account.</i>									
I.	Benefits to insured persons and their families.								
<i>A—Medical Benefits.</i>									
	Payments to State Governments, etc. as Corporation's share of their expenses on providing medical treatment, maternity facilities, etc.	96,56,539	1,61,79,991	1,68,46,691	4,25,00,000	17,07,315	2,17,92,685	2,35,00,000	4,45,00,000
	Medical treatment and care and maternity facilities (expenses incurred direct by the Corporation).	..	..	..	..	..	..	..	..
<i>B—Cash Benefits.</i>									
	Sickness Benefit	1,04,29,846	1,68,12,756	1,79,78,393	2,21,75,000	1,42,21,195	71,73,805	2,13,95,000	2,35,32,000
	Extended Sickness Benefit	..	4,68,445	5,64,482	6,91,000	3,91,141	2,71,859	6,63,000	8,00,000
	Maternity Benefit	4,13,737	5,17,197	10,26,047	16,74,000	8,59,844	4,75,156	13,35,000	15,69,000
	Disablement Benefit	27,60,776	29,75,220	40,70,969	49,56,000	18,17,323	36,81,677	54,99,000	63,67,000
	Dependants' Benefit	4,75,885	5,44,500	9,31,500	9,50,000	1,53,391	8,46,609	10,00,000	13,40,000
TOTAL B—CASH BENEFITS		1,40,80,244	2,13,18,118	2,45,71,391	3,04,46,000	1,74,42,894	1,24,49,106	2,98,92,000	3,36,08,000

C—Other Benefits.

Provision of artificial limbs to disabled insured persons . . .	252	23,098	17,922	35,000	12,633	22,367	35,000	40,000
Medical Boards . . .	21,664	24,895	46,096	51,000	32,097	28,403	60,500	72,000
Fees paid for post-mortem examination of insured persons . . .	58	123	141	500	63	437	500	500
Payment to insured persons on account of conveyance charges & or loss of wages . . .	10,000	12,467	22,954	23,300	22,865	3,635	26,500	35,000
Cost of artificial teeth provided to the Insured Ps. . .	..	..	..	..	..	1,000	1,000	1,000
Miscellaneous . . .	2,353	4,574	10,650	19,000	19,079	25,421	44,500	55,500
TOTAL C—OTHER BENEFITS . . .	34,327	65,157	97,763	1,28,800	86,737	81,263	1,68,000	2,04,000
TOTAL OF HEAD—I—BENEFITS . . .	2,37,71,110	3,75,63,266	4,15,15,845	7,30,74,800	1,92,36,946	3,43,23,054	5,35,60,000	7,83,12,000

2. Administration Expenses.**A—Superintendence.**

Corporation, Standing Committee, Regional Boards etc.								
(i) T.A.	3,151	6,726	5,640	22,500	15,636	8,364	24,000	28,500
(ii) Miscellaneous	580	358	467	2,000	593	407	1,000	1,500
TOTAL—CORPORATION, STANDING COMMITTEE, REGIONAL BOARDS ETC.,	3,731	7,084	6,107	24,500	16,229	8,771	25,000	30,000

Principal Officers :

(i) Pay of Principal Officers	93,939	71,743	55,016	77,700	36,822	21,778	58,600	99,000
(ii) Allowances and Honoraria	28,598	25,108	24,012	34,100	17,579	10,921	28,500	34,000
(iii) Leave and Pension contributions	26,893	18,223	6,472	12,300	10,493	3,407	13,900	10,000
(iv) Contributions to ESIC Provident Fund. . . . .	..	..	..	..	..	..	..	..
TOTAL—PRINCIPAL OFFICERS	1,49,430	1,15,074	85,500	1,24,100	64,894	36,106	1,01,000	1,43,000

1	2	3	4	5	6	7	8	9	10
		Rs.	Es.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Other Officers :									
(i) Pay of other Officers	3,39,650	3,81,922	4,29,459	4,88,200	3,44,819	2,09,181	5,54,000	5,81,000	
(ii) Allowances and Honoraria	1,64,744	1,83,043	2,16,092	2,57,400	1,59,204	95,796	2,55,000	2,70,000	
(iii) Leave and Pension contributions	18,307	14,653	12,648	12,000	15,089	5,911	21,000	20,000	
(iv) Contributions to ESIC Provident Fund . . . . .	..	..	..	..	..	..	..	..	..
TOTAL—OTHER OFFICERS	5,22,701	5,79,618	6,58,199	7,57,600	5,19,112	3,10,888	8,30,000	8,71,000	
Ministerial Establishment :									
(i) Pay of Establishment	6,78,299	8,39,374	9,41,663	11,49,900	6,81,769	4,04,231	10,86,000	11,59,500	
(ii) Allowances and Honoraria,	6,63,441	8,35,033	9,87,537	12,14,800	7,00,357	4,07,643	11,58,000	11,87,000	
(iii) Leave and Pensions contributions	2,547	199	275	..	..	..	..	..	..
(iv) Contributions to ESIC Provident Fund	1,20,149	1,88,895	2,27,850	3,00,000	..	3,00,000	3,00,000	3,50,000	
TOTAL—MINISTERIAL ESTABLISHMENT	14,64,436	18,63,501	21,57,325	26,64,700	13,82,126	11,11,874	24,94,000	26,96,500	
Class IV Servants :-									
(i) Pay of Class IV Servants	70,363	1,08,535	1,26,354	1,38,700	96,723	59,277	1,56,000	1,60,000	
(ii) Allowances and Honoraria	1,28,089	1,97,906	2,34,678	2,57,000	1,77,502	1,07,498	2,85,000	3,06,000	
(iii) Contributions to ESIC Provident Fund . . . . .	..	..	..	..	..	..	..	..	..
TOTAL—CLASS IV SERVANTS	1,98,452	3,06,441	3,61,032	3,95,700	2,74,225	1,66,775	4,41,000	4,66,000	
Contingencies :-									
(a) Postage, Telegram and Telephone Charges	1,18,672	1,35,228	1,38,708	2,32,000	1,07,687	77,313	1,85,000	2,00,000	
(b) Stationery and Forms	1,49,899	3,30,689	5,63,402	6,50,000	6,79,482	3,20,518	10,00,000	10,00,000	
(c) Contribution Stamps	28,763	89,764	54,901	60,000	18,165	31,835	50,000	70,000	
(d) Purchase, Repair & Maintenance of Typewriters, Duplicators, etc.	20,066	31,719	17,612	46,000	14,346	15,654	30,000	30,000	
(e) Purchase, Repair & Maintenance etc. of Adrema Equipments	73,240	1,35,858	32,627	75,000	29,430	1,20,570	1,50,000	1,00,000	
(f) Rents, Rates and Taxes	1,06,098	1,77,017	1,59,858	2,69,000	1,35,006	89,994	2,25,000	2,25,000	

(g) Furniture	10,664	20,100	23,862	79,000	11,862	68,138	80,000	50,000
(h) Special equipment for records	37,682	6,438	32,325	43,700	5,333	24,667	30,000	44,000
(i) Purchase, Repair, Maintenance etc. of General Articles of office use	2,329	18,350	11,074	37,300	16,830	23,170	40,000	50,000
(j) Purchase, Repair & Maintenance of Cycles	524	339	1,354	2,000	270	330	600	1,000
(k) Purchase, Repair & Maintenance of liveries	6,021	2,720	15,336	25,000	12,908	17,092	30,000	30,000
(l) Books, Periodicals and other publications	2,087	3,392	5,665	5,700	1,401	1,599	3,000	5,000
(m) Photographs of workers . . . . .	..	..	..	..	..	..	..	..
(n) Hot and cold weather charges	1,234	732	2,882	15,000	3,060	1,340	4,400	6,000
(o) Miscellaneous	27,751	33,173	77,337	62,000	57,402	61,598	1,19,000	1,20,000

TOTAL—CONTINGENCIES 5,85,010 8,85,629 11,36,943 16,03,000 10,92,782 8,54,213 19,47,000 19,31,000

TOTAL—A—SUPERINTENDENCE 29,23,760 37,57,347 44,05,106 55,69,600 33,49,368 24,88,632 58,38,000 61,37,500

B—Field Work—

Officers :								
(i) Pay of Officers	68,239	71,463	77,565	85,300	54,313	33,687	88,000	1,06,000
(ii) Allowances and Honoraria	29,155	29,744	35,173	42,100	25,459	15,741	41,200	50,000
(iii) Leave and Pension contributions	349	..	..	..	..	..	..	..
(iv) Contributions to ESIC Provident Fund . . . . .	..	..	..	..	..	..	..	..
TOTAL—OFFICERS	97,743	1,01,207	1,12,738	1,27,400	79,772	49,428	1,29,200	1,56,000

Ministerial Establishment:—

(i) Pay of Establishment	7,73,125	9,07,711	10,67,338	13,22,800	8,11,235	4,74,765	12,86,000	17,24,000
(ii) Allowances and Honoraria	6,05,255	7,22,361	8,82,675	10,63,700	6,49,156	3,90,844	10,40,000	14,12,000
(iii) Leave and Pension contributions	1,496	821	617	700	109	(—)9	100	..
(iv) Contributions to ESIC Provident Fund . . . . .	..	..	..	..	..	..	..	..

TOTAL—MINISTERIAL ESTABLISHMENT 13,79,876 16,30,893 19,50,630 23,87,200 14,60,500 8,65,600 23,26,100 31,36,000

Class IV Servants :—

(i) Pay of class IV Servants	94,152	1,11,577	1,21,745	1,45,900	91,906	55,094	1,47,000	2,16,000
(ii) Allowances and Honoraria	1,54,329	1,87,529	2,13,758	2,68,300	1,55,848	93,152	2,49,000	3,84,500
(iii) Contributions to ESIC Provident Fund . . . . .	..	..	..	..	..	..	..	..
TOTAL—CLASS IV SERVANTS	2,48,481	2,99,106	3,35,503	4,14,200	2,47,754	1,48,246	3,96,000	6,00,500

1	2	3	4	5	6	7	8	9	10
Contingencies:—		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
(a) Postage, Telegram & Telephone Charges		23,489	25,349	31,190	63,000	24,651	17,349	42,000	1,10,000
(b) Stationery and Forms		1,073	1,416	2,275	3,000	2,161	1,839	4,000	5,500
(c) Contributions Stamps	
(d) Purchase, Repair & Maintenance of Typewriters, Duplicators, etc.		5,514	2,678	3,451	46,000	6,860	18,140	25,000	50,000
(e) Rents, Rates and Taxes		1,46,684	1,48,722	1,70,072	2,96,000	1,22,777	77,223	2,00,000	3,00,000
(f) Furniture		22,482	10,635	11,715	1,21,000	23,862	36,138	60,000	72,000
(g) Special equipment for records		91,418	48,024	52,899	2,04,000	38,577	1,61,423	2,00,000	1,50,000
(h) Purchase, Repair & Maintenance etc. of General Articles of Office use		9,973	11,331	8,647	54,000	16,204	43,796	60,000	50,000
(i) Purchase, Repair & Maintenance of Cycles		468	944	484	8,000	332	568	1,000	1,500
(j) Purchase, Repair & Maintenance of Liveries		693	860	2,574	8,900	3,096	11,904	15,000	20,000
(k) Books, Periodicals and other publications		66	86	28	1,000	239	461	700	1,000
(l) Hot & Cold weather charges		409	454	1,745	5,300	1,358	1,942	3,300	5,000
(m) Miscellaneous		25,560	29,837	37,760	56,00	32,520	22,480	55,000	80,000
TOTAL—CONTINGENCIES		3,27,829	2,80,336	3,22,840	8,66,200	2,72,637	3,93,363	6,66,000	8,45,000
TOTAL—B—FIELD WORK		20,53,929	23,11,542	27,21,711	37,95,000	20,60,663	14,56,637	31,17,300	47,37,500

C.—Other Charges:—

Legal Charges	15,328	125,595	146,181	70,000	148,081	26,919	75,000	84,800
Insurance Courts	6,875	5,121	589	60,000	11,818	38,182	50,000	70,000
Publicity and Advertisement	7,991	26,015	7,707	20,000	3,039	16,961	20,000	20,000
Charges for maintaining Banking Accounts	7,714	12,734	5,280	13,000	7,920	5,080	13,000	15,000
Audit Fees	11,900	16,670	18,630	23,500	..	23,500	23,500	28,000
Repair Maintenance & Depreciation, etc.	12,200	12,200	4,700	12,200	..	4,700	4,700	4,700
(a) Depreciation of buildings for the offices of the Corporation	12,200	12,200	4,700	12,200	..	4,700	4,700	4,700

(b) Depredation of Equipments in Hospitals and Examinations Centres

(c) Repair & Maintenance of buildings for the offices of the Corporation

Miscellaneous Losses

TOTAL—C—OTHER CHARGES

TOTAL OF HEAD 2—ADMINISTRATION EXPENSES

3. Interest on loans :—

Interest on loans from Central Government

Interest paid to the E.S.I.C. Provident Fund

Deduct—Interest accrued &/or realised on investments of Provident Fund balance

TOTAL HEAD 3—INTEREST ON LOANS

TOTAL ADMINISTRATIVE EXPENDITURE (HEADS 2+3)

TOTAL EXPENDITURE ON REVENUE ACCOUNT

4. Expenditure on Capital Account:—

Lands and Buildings.

A—Land and Buildings.

Purchase and Construction, etc. of :—

(i) Buildings for the offices of the Corporation

(ii) Hospitals and Dispensaries

(iii) Equipment of Hospitals

B—Staff Cars.

Purchase of Staff Cars

TOTAL—HEAD 4—EXPENDITURE ON CAPITAL ACCOUNT

	13,563	13,653	19,450	13,700	..	19,500	19,500	19,500
		51						
TOTAL—C—OTHER CHARGES	75,571	1,12,036	1,02,537	2,12,400	70,858	1,34,842	2,05,700	2,42,000
TOTAL OF HEAD 2—ADMINISTRATION EXPENSES	50,53,260	61,80,925	72,29,354	95,77,000	54,80,889	40,80,111	95,61,000	1,11,17,000
3. Interest on loans :—								
Interest on loans from Central Government								
Interest paid to the E.S.I.C. Provident Fund	34,192	45,907	65,149	76,000		92,000	92,000	1,15,000
Deduct—Interest accrued &/or realised on investments of Provident Fund balance	(→)28,470	(+)9,599	(→)19,538	(→)18,000	(→)12,794	(→) 5,206	(→)18,000	(→)18,000
TOTAL HEAD 3—INTEREST ON LOANS	5,722	55,506	45,611	58,000	(→)12,794	86,794	74,000	97,000
TOTAL ADMINISTRATIVE EXPENDITURE (HEADS 2+3)	50,58,982	62,36,431	72,74,965	96,35,000	54,68,095	41,66,905	96,35,000	1,12,14,000
TOTAL EXPENDITURE ON REVENUE ACCOUNT	2,88,30,092	4,37,99,697	4,87,90,810	8,27,09,800	2,47,05,041	3,84,89,959	6,31,95,000	8,95,26,000
4. Expenditure on Capital Account:—								
Lands and Buildings.								
A—Land and Buildings.								
Purchase and Construction, etc. of :—								
(i) Buildings for the offices of the Corporation			576	5,00,000	2,00,000	5,41,000	7,41,000	6,50,000
(ii) Hospitals and Dispensaries	2,85,942	1,55,700	3,72,516	85,00,000	5,88,166	50,11,834	56,00,000	92,50,000
(iii) Equipment of Hospitals		5,339	405	15,00,000				6,00,000
B—Staff Cars.								
Purchase of Staff Cars								
TOTAL—HEAD 4—EXPENDITURE ON CAPITAL ACCOUNT	2,85,942	1,61,039	3,73,497	1,05,00,000	7,88,166	55,52,834	63,41,000	1,05,00,000

I	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>Debts, Deposits, Advances and Suspense.</i>									
<i>Ordinary Debts.</i>									
Loans :									
Loans to Central Government									
(Remittance)		80,00,000	..	10,00,000	10,00,00	80,00,000
Loans to State Government						
Unfunded Debt.									
E.S.I.C. Provident Fund :-									
Payments to subscribers		72,311	72,485	92,958	1,10,000	98,316	68,684	1,67,000	2,30,000
TOTAL—DEBTS.		72,311	72,485	92,958	81,10,000	98,316	10,68,684	11,67,000	82,30,000

*Deposits and Advances.**Reserve Funds.*

Depreciation Reserve Fund Account of buildings for the offices of the Corporation :-									
Depreciation Reserve Fund investment account of buildings for the offices of the Corporation .		14,409	14,572	10,000	15,700	8,000	..	8,000	8,000
Depreciation Reserve Fund Account of Equipments in Hospitals and Examinations Centres									
Depreciation Reserve Fund investment Account of equipments in Hospitals & Examination Centres									
Repair & Maintenance Reserve Fund Account of buildings for the offices of the Corporation :-									
Repair & Maintenance Reserve Fund of buildings for the offices of the Corporation Investment Account		15,900	15,754	..	..	..	..	..	..
Deduct—Realisation on maturity or sale of investment		..	..	..	(—)18,400	..	..	..	(—)20,000

Permanent (Partial & Total) Disablement Benefit Reserve Fund Account.

Permanent (Partial & Total) Disablement Benefit Reserve Fund Investment Account

Dependants' Benefit Reserve Fund Account:

Dependants' Benefit Reserve Fund Account Defendant's Benefit Reserve Fund Investment Account.

10,22,155	12,61,108	12,83,531	15,20,500	20,67,000	..	20,67,000	28,51,000
-----------	-----------	-----------	-----------	-----------	----	-----------	-----------

2,75,020	4,48,595	4,45,500	5,54,600	7,87,800	..	7,87,800	7,83,000
----------	----------	----------	----------	----------	----	----------	----------

TOTAL—RESERVE FUNDS . . .	13,27,484	17,40,029	17,39,031	20,72,400	28,62,800	..	28,62,800	36,22,000
---------------------------	-----------	-----------	-----------	-----------	-----------	----	-----------	-----------

Deposits.	14,823	13,750	34,343	35,000	13,652	16,348	30,000	50,000
-----------	--------	--------	--------	--------	--------	--------	--------	--------

Deposits of Securities . . .	1,04,114	87,607	3,065	30,500	30,500	..
------------------------------	----------	--------	-------	----	----	--------	--------	----

TOTAL—DEPOSITS . . .	1,18,937	1,01,357	37,408	35,000	13,652	46,848	60,500	50,000
----------------------	----------	----------	--------	--------	--------	--------	--------	--------

Advances.

(a) Permanent advances . . .	2,518	2,007	2,135	3,000	1,725	1,725	3,000	5,000
------------------------------	-------	-------	-------	-------	-------	-------	-------	-------

(b) Advances to Employees of the Corporation :—								
---	--	--	--	--	--	--	--	--

(i) Advance of Pay on transfer . . .	12,498	18,558	31,752	32,000	19,969	12,031	32,000	32,000
--------------------------------------	--------	--------	--------	--------	--------	--------	--------	--------

(ii) Advance of T.A. on transfer . . .	15,612	17,829	38,125	30,000	23,538	6,462	30,000	30,000
--	--------	--------	--------	--------	--------	-------	--------	--------

(iii) Advance for the purchase of motor conveyance	16,683	7,218	20,000	..	20,000	20,000	20,000
--	----	--------	-------	--------	----	--------	--------	--------

(iv) Advance for the purchase of other conveyance . . .	11,288	12,508	14,237	20,000	12,045	7,955	20,000	20,000
---	--------	--------	--------	--------	--------	-------	--------	--------

(v) Miscellaneous . . .	45,243	57,643	76,460	70,000	78,420	3,580	82,000	82,000
-------------------------	--------	--------	--------	--------	--------	-------	--------	--------

(c) Other Advances :—								
-----------------------	--	--	--	--	--	--	--	--

(i) Advance payments on behalf of State Governments . . .	1,200	1,384	1,723	1,400	772	628	1,400	1,400
---	-------	-------	-------	-------	-----	-----	-------	-------

(ii) Advance to the Bank for purchase of Securities (net)* . . .	3,92,76,043	59*	97*	3*	100*	..
--	-------------	-----	----	----	-----	----	------	----

(iii) Miscellaneous . . .	2,27,442	41,742	1,22,384	2,00,000	46,359	1,28,641	1,75,000	2,00,000
---------------------------	----------	--------	----------	----------	--------	----------	----------	----------

(d) Prepaid Expenses . . .								
----------------------------	--	--	--	--	--	--	--	--

(e) Interest accrued but not received . . .	24,613	(—)4,705
---	--------	----------	----	----	----	----	----	----

(f) Interest accrued but not due . . .	3,45,717	(—)10,94,7
--	----------	------------	----	----	----	----	----	----

(g) Income tax deductions receivable . . .	87,920	2,26,799	(—)1,03,437	..	(—)2,26,798	+98	(—)2,26,700	..
--	--------	----------	-------------	----	-------------	-----	-------------	----

TOTAL—ADVANCES . . .	4,00,50,094	(—)7,07,950	1,90,597	3,76,400	(—)44,323	1,81,123	1,36,800	3,90,400
----------------------	-------------	-------------	----------	----------	-----------	----------	----------	----------

I	2	3	4	5	6	7	8	9	10
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>Remittances</i>									
(i) Cash remittances (net)*	.	..	12,500*	..	..	24,86,300*	..	24,86,300	..
(ii) Other remittances (net)*	100	100*	..
TOTAL—REMITTANCES	.	..	12,500	..	..	24,86,300	100	24,86,400	..
TOTAL—DEBT, DEPOSITS, ADVANCES, SUSPENSE AND REMITTANCES	.	4,15,68,826	12,18,421	20,59,994	1,05,93,800	54,16,745	12,96,755	67,13,500	1,22,92,400
TOTAL—DISBURSEMENT		7,06,84,860	4,51,79,157	5,12,24,301	10,38,03,600	3,09,09,952	4,53,39,548	7,62,49,500	11,23,18,400
<i>Cash Balances</i>									
(a) Investments :—									
(i) E.S.I. Corporation Provident Fund									
(a) Investments during the year		2,66,903	3,90,000	6,05,000	8,26,000	5,60,000	2,40,000	8,00,000	10,15,000
Deduct—Realisation on maturity or sale of investments		..	—28,500	—87,000	..	..	..	..	..
(ii) General Cash Balances :—									
(a) Investments during the year		4,55,57,634	3,63,16,403	4,02,02,294	3,09,47,000	2,45,81,113	37,16,887	2,82,98,000	3,00,00,000
Deduct—Realisation on maturity or sale of investments		—1,49,67,517	—1,29,59,113	—1,67,11,036	—3,67,00,000	—30,00,000	—1,53,00,000	—1,83,00,000	—4,76,89,000
(b) Cash Balances :—									
(i) Cash in hand									
(ii) Cash with Bankers	:}	151,78,857	155,71,680	169,65,788	58,93,980	86,80,706	—36,79,418	50,01,288	51,60,388
GRAND TOTAL	.	10,67,20,742	7,44,69,627	8,21,99,347	10,47,70,580	6,17,31,771	3,03,17,017	9,20,48,788	10,08,04,788

Note.—1. The detailed heads under which no figures appear have been omitted.

2. The figures in respect of Contribution to E.S.I.C. Provident Fund for all categories of employees have been shown under "A—Superintendence—Ministerial Establishments."

V. R. MAHADEVAN,
Chief Accounts Officer,
Employees' State Insurance Corporation.

EMPLOYEES' STATE INSURANCE CORPORATION

Income and Expenditure Account for the year ended 31st March, 1960 (Estimates)

INCOME			EXPENDITURE
Head of Account	Amount	Head of Account	Amount
	Rs.		Rs.
By Contributions :—		i. Benefits to insured persons and their families.	
Employers' share only	3,11,48,000	A—Medical Benefits.	
Employers' share only	4,10,32,000	(i) Payments to State Governments etc. as Corporation's share of their expenses on providing medical treatment, maternity facilities, etc.	2,35,00,000
Total Contributions	7,21,80,000	Total A.—Medical Benefits	2,35,00,000
Other Heads of Revenue		B—Cash Benefits. [†]	
Interest and Dividends	58,47,000	(1) Sickness Benefit	2,13,95,000
Compensations	11,500	(2) Extended (S.B.)	6,63,000
Rents, Rates & Taxes	3,500	(3) Maternity Benefit	13,35,000
Fees, Fines and Forfeiture	81,000	(4) Disablement Benefit	54,99,000
Miscellaneous		(5) Dependants' Benefit	<u>10,00,000</u>
		Total B.—Cash Benefits	2,98,92,000
		C—Other Benefits.	
		(1) Provision of Artificial limbs	35,000
		(2) Medical Boards	60,500
		(3) Fees paid for post-mortem examination of insured persons	500
		(4) Payments to insured persons on account of conveyance charges & or loss of wages	26,500
		(5) Provision of dentures to insured persons	1,000
		Miscellaneous	44,500
		Total—Other Benefits	1,68,000
		Total i.—Benefits to insured persons and their families	<u>5,35,60,000</u>
TOTAL CARRIED OVER	<u>7,81,23,000</u>	TOTAL CARRIED OVER	<u>5,35,60,000</u>

I	2	3	4	5
	Rs.		Rs.	Rs.
TOTAL BROUGHT FORWARD	7,81,23,000		TOTAL BROUGHT FORWARD	5,35,60,000
<i>2.—Administration Expenses</i>				
<i>A—Superintendence.</i>				
(1) Corporation, Standing Committee, Regional Boards, etc.	25,000			
(2) Principal Officers	1,01,000			
(3) Other Officers	8,30,000			
(4) Ministerial Establishment	24,94,000			
(5) Class IV Servants	4,41,000			
(6) Contingencies	<u>19,47,000</u>			
Total A—Superintendence	<u>58,38,000</u>			
<i>B—Field Work.</i>				
(1) Officers	1,29,200			
(2) Ministerial Establishment	23,26,100			
(3) Class IV Servants	3,96,000			
(4) Contingencies	<u>6,66,000</u>			
Total B—Field Work	<u>35,17,300</u>			
<i>C—Other Charges.</i>				
(1) Legal Charges	75,000			
(2) Insurance Courts	50,000			
(3) Publicity and Advertisement	20,000			
(4) Charges for maintaining Banking Accounts	13,000			
(5) Audit Fees	23,500			
(6) Repair, Maintenance and Depreciations, etc.	<u>24,200</u>			
Total C—Other Charges	<u>2,05,700</u>			
Total 2.—Administration Expenses	<u>95,61,000</u>			

<i>Interest on Loans</i>			
Interest paid to the Employee's State Insurance Provident Fund	92,000		
<i>Less Interest realised on investments of Provident Fund Balances</i>	18,000		
		<u>74,000</u>	
Total Expenditure on Revenue Account			6,31,95,000
To excess of Income over Expendi- ture c/o to Balance Sheet			1,49,28,000
<u>TOTAL</u>	<u>7,81,23,000</u>	<u>TOTAL</u>	<u>7,81,23,000</u>

V. R. MAHADEVAN,
Chief Accounts Officer,
Employee's State Insurance Corporation.

EMPLOYEE'S STATE INSURANCE CORPORATION
Balance Sheet as on 31st March 1960 (Estimates)

LIABILITIES	Amount	ASSETS	Amount
	Rs.	Rs.	Rs.
<i>Employees' State Insurance Corporation</i>			
<i>Provident Fund</i>			
As per last balance sheet	21,76,552	<i>Lands and Buildings (wholly owned by the Corporation)</i>	
Add Amount credited during the year	8,92,000	(a) <i>Buildings for offices of the Corporation</i>	
Less Payments made during the year	30,68,552 1,67,000	As per last balance sheet	10,28,744
	29,01,552	Additions during the year	7,41,000
<i>Deposits of securities e.g. by Contractors</i>			
As per last balance sheet	28,615 50,000	(b) <i>Hospitals and Dispensaries</i>	
Add Deposits during the year	78,615	As per last balance sheet	8,14,158
Less Deposits repaid during the year	30,000	Additions during the year	56,00,000
	48,615		
<i>Other Deposits.</i>			
As per last balance sheet	3,312	(c) <i>Equipments for Hospitals etc.</i>	
Add Deposits made during the year	27,200	As per last balance sheet . . . . .	..
		Loans to State Governments	5,744
Less Payments made during the year	30,512 30,500	<i>Permanent Advance to the Heads of Offices of the Corporation.</i>	10,00,000
		As per last Balance sheet	10,932
		Add Payments made during the year	3,000
<i>Depreciation Reserve Fund of buildings for the offices of the Corporation</i>			
As Per last balance sheet	95,994	Less Recoveries made during the year	200
Add Provision made during the year	6,600	<i>Advance of Pay on transfer to the Employees of the Corporation.</i>	
(Includes Rs. 1,900/- on account of interest received from investments during the year)		As per last balance sheet	4,938
		Add Payments made during the year	32,000
<i>Repairs and Maintenance Reserve Fund of buildings for the offices of the Corporation</i>			
As per last balance sheet	1,22,337	Less Recoveries made during the year	36,938
		<i>Advance of T.A. on transfer to the employees of the Corporation.</i>	32,000
		As per last balance sheet	4,938

<i>Add</i>	Provision made during the year	22,000	<i>Add</i>	Payments made during the year	30,000	
(Includes Rs. 2,500/- on account of interest received from investments of the balance)	1,44,337				36,854	6,824
<i>Less</i>	Payments made during the year	48,000	<i>96,337</i>	<i>Less</i> Recoveries made during the year	30,000	
<i>Permanent (Partial and Total) Disablement Benefit Reserve Fund.</i>				<i>Advance for purchase of conveyances to the employees of the Corporation.</i>		
As per last balance sheet	62,31,642					
<i>Add</i>	Provision made during the year	35,56,800		As per last balance sheet	33,277	
(Includes Rs. 1,96,800 on account of interest received from investments of the balance).	97,88,442			<i>Add</i> Payments made during the year	40,000	
					73,277	
<i>Less</i>	Payments made during the year	7,06,000	90,82,442	<i>Less</i> Loans recovered during the year	22,200	51,077
<i>Dependents' Benefit Reserve Fund</i>				<i>Miscellaneous advances to the employees of the Corporation (festival advances).</i>		
As per last balance sheet	21,74,825			As per last balance sheet	14,138	
<i>Add</i>	Provision made during the year	10,68,400		<i>Add</i> Payments made during the year	82,000	
(Includes Rs. 68,400 on account of interest received from investments of the balance)	32,43,225				96,138	
<i>Less</i>	Payments made during the year	2,84,000	29,59,225	<i>Less</i> Recoveries made during the year	82,000	14,138
<i>Income and Expenditure Account</i>				<i>Advances payment on behalf of States Governments.</i>		
Excess of Income over Expenditure as per last balance sheet	16,25,82,238			As per last balance sheet	1,974	
				<i>Add</i> Payments made during the year	1,400	
					3,374	

	1	2	3	4
	Rs.	Rs.		Rs
<i>Add Balance of Excess of Income over Expenditure during the year 1959-60</i>	<u>1,49,28,000</u>	<u>17,75,10,238</u>		
<i>Less Recoveries made during the year Advances to the Reserve Bank of India for purchase of Securities.</i>			<u>1,400</u>	<u>1,974</u>
<i>As per last balance sheet Add Payments made during the year</i>			<u>..</u>	<u>100</u>
<i>Less Adjustments made during the year</i>			<u>100</u>	<u>100</u>
<i>Miscellaneous Advances.</i>				
<i>As per last balance sheet Add payments made during the year</i>			<u>2,49,883</u>	<u>1,75,000</u>
<i>Less Receipts during the year</i>			<u>4,24,883</u>	<u>2,50,000</u>
<i>Income-tax deduction receivable.</i>				
<i>As per last balance sheet Less Income-tax received during the year</i>			<u>2,26,798</u>	<u>2,26,700</u>
<i>Remittances.</i>				<u>98</u>
<i>As per last balance sheet Add Debits adjusted during the year</i>			<u>(—)4,79,300</u>	<u>24,86,400</u>
<i>Less Credits adjusted during the year</i>			<u>20,07,100</u>	<u>20,07,100</u>
<i>Investments at cost.</i>				
<i>(a) Depreciation Reserve Fund of buildings for the offices of the Corporation.</i>				
<i>As per last balance sheet Add Investments made during the year</i>			<u>87,853</u>	<u>8,000</u>
				<u>95,853</u>

(b) Repairs & Maintenance Reserve Fund of buildings for the offices of the Corporation.

As per last balance sheet	86,088
<i>Add Investments made during the year</i>	<i>86,088</i>

V

(c) Permanent (Partial & Total) Disablement Benefit Reserve Fund.

As per last balance sheet	41,63,763
<i>Add Investments made during the year</i>	<i>20,67,000</i>

(d) Dependents' Benefit Reserve Fund.

As per last balance sheet	13,87,908
<i>Add Investments made during the year</i>	<i>7,87,800</i>

Cash Balance.

(a) Investments:

(i) E.S.I.C. Provident Fund.	
As per last balance	18,03,837
<i>Add Investments during the year</i>	<i>8,00,000</i>

26,03,837

(ii) General Cash Balances.

As per last balance sheet	15,70,02,138
<i>Add Investments during the year</i>	<i>2,82,98,000</i>

18,53,00,138

<i>Less Realisation on maturity or sale of investments</i>	<i>1,83,00,000</i>
	16,70,00,138

(b) Cash Balance:

Cash in hand and with Bankers	50,01,288
	17,46,05,263

TOTAL

19,27,01,015

TOTAL

19,27,01,015

V. R. MAHADEVAN,

Chief Accounts Officer,
Employees' State Insurance Corporation.

EMPLOYEES' STATE INSURANCE CORPORATION

Income and expenditure account for the year ended 31st March, 1961 (estimates).

INCOME				EXPENDITURE
Head of Account	Amount		Head of Account	Amount
	Rs.	Rs.		Rs.
By Contributions:—				
Employers' Share only	.	3,33,84,000	1. Benefits to insured persons and their families.	
Employees' Share only	.	5,10,00,000	A—Medical Benefits.	
Total Contributions	.	8,43,84,000	(i) Payments to State Govts., etc. as Corporation's share of their expenses on providing medical treatment, maternity facilities, etc.	
Other Heads of Revenue.				4,45,00,000
Interest and Dividends.	.	61,00,000		4,45,00,000
Compensations	.		Total A—Medical Benefits.	
Rents, Rates & Taxes	.	12,000	B—Cash Benefits.	
Fees, Fines & Forfeitures	.	3,000	1. Sickness Benefit	2,35,32,000
Miscellaneous	.	90,000	2. Extended Sickness Benefit	8,00,000
		62,05,000	3. Maternity Benefit	15,69,000
			4. Disablement Benefit	63,67,000
			5. Dependents' Benefit	13,40,000
			Total B—Cash Benefits	3,36,08,000
			C—Other Benefits.	
			1. Provision of Artificial limbs	40,000
			2. Medical Boards	72,000
			3. Fees paid for post mortem examination of insured persons	500
			4. Payments to insured persons on account of conveyance charges and/or loss of wages	35,000
			5. Provision of dentures to insured persons	1,000
			6. Miscellaneous	55,500
			Total C—Other Benefits	2,04,000
			Total D—Benefits to insured persons and their families	7,83,12,000
Total carried over	<u>9,05,89,000</u>		Total carried over	<u>7,83,12,000</u>

Total brought forward	9,05,89,000	Total brought forward	7,83,12,000
<i>2—Administration Expenses.</i>			
<i>A—Superintendence</i>			
1. Corporation, Standing Committee, Regional Boards, etc.	30,000		
2. Principal Officers	1,43,000		
3. Other Officers	8,71,000		
4. Ministerial Establishment	26,96,500		
5. Class IV Servants	4,66,000		
6. Contingencies	19,31,000		
<i>Total A—Superintendence</i>	<i>61,37,500</i>		
<i>B—Field Work.</i>			
1. Officers	1,56,000		
2. Ministerial Establishment	31,30,000		
3. Class IV Servants	6,00,500		
4. Contingencies	8,45,000		
<i>Total B—Field Work</i>	<i>47,37,500</i>		
<i>C—Other Charges.</i>			
1. Legal Charges	84,800		
2. Insurance Courts	70,000		
3. Publicity & Advertisement	20,000		
4. Charges for maintaining Banking Accounts	15,000		
5. Audit fees	28,000		
6. Repair, Maintenance & Depreciations, etc.	24,200		
<i>Total C—Other Charges</i>	<i>12,42,000</i>		
<i>Total 2—Administration Expenses</i>			
Total carried over	9,05,89,000	Total carried over	8,94,29,000

I	2	3	4	5
	Rs.		Rs.	Rs.
Total brought forward	3,05,89,000	Total brought forward		8,94,29,000
	<i>Interest on loans.</i>			
		Interest paid to the Employees' State Insurance Provident Fund	1,15,000	
		Less Interest realised on investments of Provident Fund balances . . .	18,000	97,000
		<i>Total Expenditure on Revenue Account</i>		8,95,26,000
		To excess of Income over Expenditure c/o to Balance Sheet		10,63,000
TOTAL	<u>9,05,89,000</u>		TOTAL	<u>9,05,89,000</u>

V. R. MAHADEVAN,

Chief Accounts Officer,
Employees' State Insurance Corporation

EMPLOYEES' STATE INSURANCE CORPORATION

Balance sheet as at 31st March, 1961 (Estimates)

Liabilities	Amount	Assets	Amount
	Rs.	Rs.	Rs.
<i>Employees' State Insurance Corporation Provident Fund.</i>			
As per last balance sheet	29,01,552		
Add Amount credited during the year	10,15,000		
	<u>39,16,552</u>		
<i>Less Payments made during the year</i>	<u>2,30,000</u>	<i>Lands and Buildings.</i>	
	36,86,552	(a) Buildings for offices of the Corporation	
		As per last balance sheet	17,69,744
		Additions during the year	6,50,000
			<u>24,19,744</u>
<i>Deposits of Securities, e.g. by contractors.</i>		(b) Hospitals and Dispensaries.	
As per last balance sheet	48,615	As per last balance sheet	64,14,158
Add Deposits received during the year	50,000	Additions during the year	92,50,000
	<u>98,615</u>		<u>1,56,64,158</u>
<i>Less Deposits repaid during the year</i>	<u>50,000</u>	(c) Equipments of hospitals.	
	48,615	As per last balance sheet	5,744
		Additions during the year	6,00,000
			<u>6,05,744</u>
<i>Deposits received from other parties.</i>		<i>Loans granted to the State Govts.</i>	
As per last balance sheet . . . . .	..	As per last balance sheet	10,00,000
<i>Depreciation Reserve Fund of buildings for the offices of the Corporation.</i>		Add Payments made during the year	80,00,000
As per last balance sheet	1,02,594		<u>90,00,000</u>
Add Provision made during the year	6,700	<i>12 Permanent Advances to the Heads of Offices of the Corporation.</i>	
(Includes Rs. 2,000/- on account of interest accrued from the investment of the balance).	<u>1,09,294</u>	As per last balance sheet	13,732
		Add Payments made during the year	5,000
			<u>18,732</u>
		<i>Advance of pay on transfer to the employees of the Corporation.</i>	
		As per last balance sheet	4,90
		Add Payments made during the year	32,00
			<u>36,938</u>
		<i>Less Recoveries made during the year</i>	32,000
			<u>4,938</u>
Total C/O	38,44,473	Total C/O	2,77,13,316

I	2	3	4
	Rs.	Rs.	Rs.
	Total B/F.	38,444,473	Total B/F.
<i>Repairs and Maintenance Reserve Fund of buildings for the offices of the Corporation.</i>			
As per last balance sheet	96,337		
<i>Add Provision made during the year</i>	<u>22,400</u>		
(Includes Rs. 2,900/- on account of interest accrued from investment of the balance).	<u>1,18,737</u>		
<i>Less Expenditure on repairs during the year</i>	<u>52,000</u>		
<i>Permitment (Partial & Total) Disablement Benefit Reserve Fund.</i>			
As per last balance sheet	90,82,442		
<i>Add Provision made during the year (Includes Rs. 2,64,000/- on account of interest accrued from investment of the balance)</i>	<u>37,64,000</u>		
	<u>1,28,46,442</u>		
<i>Less Payments made during the year</i>	<u>9,80,000</u>	1,18,66,442	
<i>Dependants' Benefit Reserve Fund.</i>			
As per last balance sheet	29,59,225		
<i>Add Provision made during the year (Includes Rs. 86,000/- on account of interest accrued from investment of the balance)</i>	<u>14,26,000</u>		
	<u>43,85,225</u>		
<i>Less Payments made during the year</i>	<u>4,10,000</u>		
<i>Income and Expenditure Account.</i>			
Excess of Income over Expenditure as per last balance sheet	17,75,10,238		
<i>Add Balance of Excess of Income over Expenditure during the year 1960-61</i>	<u>10,63,000</u>	17,85,73,238	
Total C/O	<u>19,88,26,115</u>		
			Total C/O. <u>2,80,25,242</u>
<i>Advance of T.A. on transfer to the employees of the Corporation.</i>			
As per last balance sheet		6,854	
<i>Add Payments made during the year</i>		<u>30,000</u>	
		<u>36,854</u>	
<i>Less Recoveries made during the year</i>		<u>30,000</u>	6,854
<i>Loans to the employees for the purchase of conveyances.</i>			
As per last balance sheet		51,077	
<i>Add Payments made during the year</i>		<u>40,000</u>	
		<u>91,077</u>	
<i>Less Loans recovered during the year</i>		<u>27,000</u>	64,077
<i>Miscellaneous Advances to the employees of the Corporation (festival advances).</i>			
As per last balance sheet		14,138	
<i>Add Payments made during the year</i>		<u>82,000</u>	
		<u>96,138</u>	
<i>Less Recoveries made during the year</i>		<u>82,000</u>	14,138
<i>Advance payments on behalf of State Governments.</i>			
As per last balance sheet		1,974	
<i>Add Payments made during the year</i>		<u>1,400</u>	
		<u>3,374</u>	
<i>Less Adjustments made during the year</i>		<u>1,400</u>	1,974
<i>Miscellaneous Advances.</i>			
As per last balance sheet		2,24,883	
<i>Add Payments made during the year</i>		<u>2,00,000</u>	
		<u>4,24,883</u>	
<i>Less Adjustments made during the year</i>		<u>2,00,000</u>	2,24,883

98

Income-tax deduction receivable.
As per last balance sheet

Investments at Cost.

(a) *Depreciation Reserve Fund of buildings for the offices of the Corporation.*

As per last balance sheet 95,853

Add Investments during the year 8,000 1,03,853

(b) *Repairs & Maintenance Reserve Fund of buildings for the offices of the Corporation.*

As per last balance sheet 86,088

Add Investments during the year

86,088

Less Realisation on maturity or sale of investments 20,000

66,088

(c) *Permanent (Partial & Total) Disablement Benefit Reserve Fund.*

As per last balance sheet 62,30,763

Add Investments during the year

28,51,000 90,81,763

(d) *Dependants Benefit Reserve Fund.*

As per last balance sheet 21,75,708

Add Investments during the year

7,83,000 29,58,708

Cash Balance.

(a) *Investments:*

(i) *E.S.I.C. Provident Fund.*

As per last balance sheet 26,03,837

Add Investments during the year 10,15,000 36,18,837

(ii) *General Cash Balance.*

As per last Balance sheet 16,70,00,138

I	2	3	4
Rs.	Rs.	Rs.	Rs.
	<i>Add</i> Investment during the year	<u>3,00,00,000</u>	
		<u>19,70,00,138</u>	
	<i>Less</i> Realisation on maturity or sale of investments	<u>4,76,89,000</u>	<u>14,93,11,138</u>
	(b) Cash Balance (in hand and with bankers).	<u>51,60,388</u>	<u>15,80,90,363</u>
TOTAL	<u>19,83,26,115</u>		<u>19,83,26,115</u>

V. R. MAHADEWAN,

Chief Accounts Officer,
Employees' State Insurance Corporation.

APPENDIX—I
EMPLOYEES' STATE INSURANCE CORPORATION

Number of employees and family units covered and to be covered under the Scheme upto 31st March, 1961.

Insured Persons

Name of place	Date of im- plementation	Number al- ready covered	Number to be covered	Date of coverage of families
I	2	3	4	5
<i>Andhra State Region</i>				
Hyderabad & Secunderabad	1-5-1955	16,750	..	26-1-1959
Nellore, Chittavalasah, Vijayawad, Eluru, Guntur, Visakapatnam & Nanlari	9-10-1955	16,250	..	26-1-1959
Warangal	15-11-1959	9,500	..	15-2-1960
Sirpur	1-1-1960	..	5,000	1-4-1960
Adoni, Kurnool, Guntakal, Kakinada, Rajahmundry, Anakapall and Masuli- patam	1-4-1960	..	10,000	1-7-1960
<i>Ahmedabad Region</i>				
Ahmedabad	2-10-1960	..	1,50,000	2-1-1961
<i>Assam Region</i>				
Gauhati, Gauhati, Makum, Dhubri and Dibrugarh	28-9-1958	3,000	..	28-12-1958
<i>Bihar Region</i>				
Patna, Monghyr, Katihar and Samastipur	15-12-1957	16,500	..	2-10-1958
Dalmianagar, Banjori, Jajpur, Mugma, Chir- kunda and Kumardhobi area	26-1-1960	..	23,000	26-4-1960
Muzaffarpur, Ranchi, Khalari, Baniadih, Dhambad, Bansjora, Jharia, Nirsachat- ty and Bhagalpur	1-9-1960	..	7,000	1-12-1960
<i>Bombay Region</i>				
Greater Bombay	3-10-1954	5,20,500	..	1-1-1961
Nagpur	11-7-1954	28,700	..	1-1-1961
Akola and Hinganghat	27-5-1956	15,300	..	1-1-1961
Sholapur	1-10-1960	..	14,000	1-1-1961
<i>Delhi Region</i>				
Delhi State	24-2-1952	48,500	..	1-7-1959
<i>Kerala State Region</i>				
Alleppey, Quilon, Trichur, Alwaye, Ernakulam and Alappapanagar	16-9-1956	30,150	..	1-7-1960
Trivandrum	31-8-1958	1,850	..	1-7-1960
Kozhikode and Feroke	12-7-1959	16,000	..	1-7-1960
Fort-Cochin and Mattancherry areas	1-1-1960	..	3,000	1-7-1960
Cannanore, Ballipattam, Tellicherry, Kundara, Punalur, Kottayam, Peramb- bavur, Chalakudy, Palghat, Ottapalam and Ponnani	1-2-1960	..	20,000	[1-7-1960]

	1	2	3	4	5
<i>Madhya Pradesh Region</i>					
Indore		23-I-1955	27,450	..	26-I-1959
Gwalior		23-I-1955	18,100	..	15-2-1959
Ujjain and Ratlam		23-I-1955	15,250	..	1-3-1959
Burhanpur		2-9-1956	3,300	..	15-2-1959
Jabalpur		29-9-1957	3,400	..	26-I-1959
Bhopal and Nagda		27-9-1959	8,500	..	27-II-1959
Rajnandgaon		1-I-1960	..	3,00	1-4-1960
Kymore, Katni, Raigarh, Satna, Dewas, Mandsaur and Raipur		1-4-1960	..	9,000	1-7-1960
<i>Madras Region</i>					
Madras City		20-II-1955	56,350	..	1-7-1960
Coimbatore		23-I-1955	51,250	..	1-7-1960
Madurai, Ambasamudram and Tuticorn		28-10-1956	31,200	..	1-7-1960
Salem, Udumalpet, Mettur and Tirupu		30-II-1958	16,700	..	1-7-1960
Peelamedu, Perianackenpalayam, Sivakasi, Rajapalayam, Usilampatti and Trichy		1-I-1960	..	..	1-7-1960
Da姆niapuram, Cauverynagar, Koilpatti and Ranipet		1-2-1960	..	5,500	1-7-1960
Saravannappatti, Erode, Madukarai, Polachi, Talaiyathur, Vaniyambadi, Gudiyathan, Pudukkottai, Dindigul and Shenkottah		1-4-1960	..	10,000	1-7-1960
<i>Mysore Region</i>					
Bangalore		27-7-1958	48,000	..	25-10-1958
Hubli and Bhadravati		1-2-1960	..	9,000	1-5-1960
Gulbarga, Mysore, Devangore and Mangalore		1-10-1960	..	21,000	1-1-1961
Nanjangud, Manaya, Shivasamudram, Shimoga, Hassan, Dharwar, Bagalkot, Belgaum, Udupi, Koppal, Bellary, Harihar and Chitapur		1-1-1961	..	13,000	1-4-1961
<i>Orissa Region</i>					
Cuttack, Barang, Chaudwar, Brajrajnagar, and Raigangpur		1-3-1960	..	18,00	1-4-1960
<i>Punjab State and Himachal Pradesh Region</i>					
Amritsar, Chhehrata, Batala, Jamnagar, Jullundur, Ludhiana, Ambala, Bhiwani, Verka and Jagadhri		17-5-1953	36,000	..	1-II-1958
Khasa		10-5-1959	500	..	9-8-1959
Dhariwal		29-II-1959	3,000	..	29-2-1960
Faridabad, Sonepat, Govindgarh, Kapurthala and Phagwara		1-2-1960	..	9,000	1-5-1960
<i>Rajasthan State Region</i>					
Jaipur, Jodhpur, Bikaner, Palimarwar and Bhilwara		2-12-1956	9,400	..	2-10-1958
Lakheri		2-12-1956	2,000	..	1-1-1960
Beawar		27-10-1957	7,950	..	2-10-1958

I	2	3	4	5
Swai Madhopur	2-3-1958	2,150	..	2-10-1958
Sriganganagar and Dholpur	29-3-1959	2,500	..	28-6-1959
Udaipur, Ajmer, Kotah and Kishangarh	1-4-1960	..	3,500	1-7-1960
<i>Uttar Pradesh Region</i>				
Kanpur	24-2-1952	86,050	..	14-II-1959
Saharanpur, Agra and Lucknow	15-1-1956	19,150	..	14-II-1959
Allahabad, Varanasi, Rampur and Kalyanpur	31-3-1957	13,150	..	14-II-1959
Bareilly, Hathras, Aligarh and Shikohabad	30-3-1958	5,150	..	14-II-1959
Ghaziabad, Shahjahanwa (Gorakhpur) Modinagar and Mirzapur	29-3-1959	6,000	..	14-II-1959
Meerut, and Firozabad etc.	1-3-1960	..	5,000	1-6-1960
<i>West Bengal Region</i>				
Calcutta City and Howrah Distt.	14-8-1955	2,56,000	..	..
Rest of Greater Calcutta, (District of Hoogly and 24 Parganas)	1-4-1960	..	3,00,000	..
TOTAL:			14,51,000	6,50,500

APPENDIX-II.

EMPLOYEES' STATE INSURANCE CORPORATION

Details of the Receipts and Expenditure for the year 1956-57

	Headquarters	Delhi	Kanpur	Bombay	Madras	Calcutta	Total
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>Receipts</i>							
Employers' Share . . . . .	..	21,66,627	20,53,486	1,11,20,759	31,93,640	74,04,892	2,59,39,404
Employees' Share . . . . .	..	35,97,622	30,92,707	1,59,70,231	33,89,593	61,52,681	3,22,02,834
Miscellaneous	31,57,406	7,349	7,152	47,740	4,499	7,819	32,31,965
TOTAL—RECEIPTS	31,57,406	57,71,598	51,53,345	2,71,38,730	65,87,732	1,35,65,392	6,13,74,203

Expenditure Benefits

Medical Benefit	.	.	.	.	.	.	14,11,500	9,25,000	40,00,000	9,18,457	24,01,582	96,56,539
Sickness Benefit	.	.	.	.	.	.	13,52,208	10,29,107	57,17,522	8,74,258	14,56,751	1,04,29,846
Maternity Benefit	.	.	.	.	.	.	41,988	7,837	2,22,247	1,16,347	25,318	4,13,737
Disability Benefit	.	.	.	.	.	.	4,24,669	1,90,885	15,81,643	1,59,282	4,04,297	27,60,776
Dependants' Benefit	.	.	.	.	.	.	36,449	30,800	2,47,550	70,200	90,886	4,75,885
Other Benefits	.	.	.	.	.	.	7,193	1,655	23,471	1,106	902	34,327
TOTAL	.	.	.	.	.	.	32,74,007	21,85,284	1,17,92,433	21,39,650	43,59,736	2,37,71,110

Administration Expenses

Administration Expenses 8,11,561 6,71,031 5,87,284 14,88,551 6,24,505 8,76,050 50,58,982

EMPLOYEES' STATE INSURANCE CORPORATION

Details of Receipts and Expenditure for the year 1957-58

	Headquarters.	Delhi	Madhya Pradesh	Uttar Pradesh	Bombay	Madras	Calcutta	Total
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>Receipts</i>								
Employers' Share	..	15,77,001	8,67,983	16,12,042	1,18,92,399	38,03,061	85,88,842	2,83,41,328
Employees' Share	..	24,72,892	16,40,921	28,04,286	1,74,76,854	44,83,122	63,57,879	3,52,35,954
Miscellaneous	..	30,48,698	8,326	2,775	6,175	44,812	10,626	12,801
TOTAL	..	30,48,698	40,58,219	25,11,679	44,22,503	2,94,14,065	82,96,809	1,49,59,522
<i>Expenditure Benefits</i>								
Medical Benefit	..	7,02,832	9,00,000	6,10,000	81,99,431	18,10,533	39,57,195	1,61,79,991
Sickness Benefit	..	9,68,020	11,85,753	15,69,303	79,61,840	22,53,546	28,74,294	1,68,12,756
Extended Sickness Benefit	..	15,832	11,864	25,646	3,16,944	25,367	72,792	4,68,445
Maternity Benefit	..	9,284	38,094	3,511	2,39,654	1,94,027	32,627	5,17,197
Disability Benefit	..	2,09,522	1,86,913	2,40,618	14,44,906	2,98,308	5,94,953	29,75,220
Dependants' Benefit	..	39,000	9,000	25,000	3,22,500	51,500	97,500	5,44,500
Other Benefits	..	8,782	3,549	9,184	29,521	5,182	8,939	65,157
TOTAL—BENEFITS	..	19,53,272	23,35,173	24,83,262	1,85,14,796	46,38,463	76,38,300	3,75,63,266
<i>Administration Expenses</i>								
Administration Expenses	..	11,24,994	5,88,941	2,03,527	6,13,284	17,31,263	7,98,835	11,76,339
								62,33,431

APPENDIX IV.

EMPLOYEES' STATE INSURANCE CORPORATION

Details of Receipts and Expenditure for the year 1958-59

	Headquarters	Andhra	Assam	Bihar	Bombay	Delhi	Kerala	Madhya Pradesh
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>Receipts</i>								
Employers' Share . . .	..	7,31,243	50,294	96,803	1,19,69,427	8,09,196	6,08,106	9,70,002
Employees' Share . . .	..	6,98,906	25,227	46,945	1,80,92,881	15,06,653	6,62,367	16,15,166
Miscellaneous . . .	50,57,365	2,393	17	396	46,338	3,844	676	2,730
TOTAL—RECEIPTS . . .	50,57,365	14,32,542	75,538	1,44,144	3,00,88,646	23,19,693	12,71,149	25,87,898
<i>Expenditure Benefits</i>								
Medical Benefit . . .	..	3,50,832	..	1,71,137	66,78,829	2,65,000	3,05,000	11,13,000
<i>Cash Benefits.</i>								
Sickness Benefit . . .	..	4,35,310	..	42,877	79,93,220	6,97,034	4,87,052	10,39,455
Extended Sickness Benefit . . .	..	7,304	..	421	3,38,986	19,890	10,071	24,657
Maternity Benefit . . .	..	51,819	..	555	4,41,474	6,605	99,442	67,108
Disability Benefit . . .	..	60,493	676	15,238	20,48,795	2,48,493	64,273	2,09,009
Dependants' Benefit . . .	..	9,000	..	..	3,74,500	77,000	11,500	65,000
TOTAL—CASH BENEFITS . . .	..	5,63,926	676	59,091	1,11,96,975	10,49,022	6,72,338	14,05,229
Other Benefits . . .	..	405	5	27	49,876	11,646	1,406	2,582
TOTAL—BENEFITS . . .	..	9,15,163	681	2,30,255	1,79,25,680	13,25,668	9,78,744	25,20,811
<i>Administration Expenses</i>								
Administration Expenses . . .	14,34,909	1,81,015	12,320	42,391	18,53,749	3,19,576	1,69,962	2,60,420
TOTAL—REVENUE EXPENDITURE . . .	14,34,909	10,56,178	13,001	2,72,646	1,97,79,429	16,45,244	11,48,706	27,81,231

Note :—Separate accounts maintained in respect of :—

Assam from November, 1958

Bihar from November, 1958.

Orissa from February, 1959.

APPENDIX IV

EMPLOYEES' STATE INSURANCE CORPORATION

Details of Receipts and Expenditure for the year 1958-59.—contd.

	Madras	Mysore	Orissa	Punjab	Rajasthan	Uttar Pradesh	West Bengal	Total
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>Receipts</i>								
Employers' Share . . .	22,82,524	10,09,221	15,813	6,38,012	2,85,644	16,39,715	79,18,071	2,90,24,081
Employees' Share . . .	37,39,025	8,63,106	..	8,93,117	4,16,329	25,92,731	69,80,497	3,81,11,950
Miscellaneous . . .	7,299	1,653	..	1,313	653	3,775	16,989	5145,441
TOTAL—RECEIPTS . .	60,28,848	18,73,980	15,813	15,31,442	7,02,636	42,36,221	1,49,15,557	7,22,81,472
<i>Expenditure Benefits.</i>								
Medical Benefit	19,45,719	5,99,828	5,342	3,73,489	3,53,000	8,83,000	38,02,515	1,68,46,691
<i>Cash Benefits.</i>								
Sickness Benefit	24,40,800	59	..	1,36,257	1,45,363	12,69,753	32,91,213	1,79,78,393
Extended Sickness Benefit	47,880	..	..	2,137	5,993	26,951	80,192	5,64,482
Maternity Benefit	2,79,346	..	..	2,208	18,850	4,167	54,473	10,26,047
Disablement Benefit	2,60,609	34,916	..	73,246	34,765	2,94,712	7,25,744	40,70,969
Dependants' Benefit	52,500	10,500	..	45,000	10,500	1,24,000	1,52,000	9,31,500
TOTAL—CASH BENEFITS . .	30,81,135	45,475	..	2,58,848	2,15,471	17,19,583	43,03,622	2,45,71,391
Other Benefits	8,026	59	..	4,589	127	4,244	14,771	97,763
TOTAL—BENEFITS . . .	50,34,880	6,45,362	5,342	6,36,926	5,68,598	26,06,827	81,20,908	4,15,15,845
<i>Administration Expenses</i>								
Administration Expenses . . .	6,26,272	1,83,739	1,192	1,92,749	1,34,888	6,24,348	12,37,435	72,74,965
TOTAL—REVENUE EXPENDITURE	56,61,152	8,29,101	6,534	8,29,675	7,03,486	32,31,175	93,58,343	4,87,90,810

NOTE :—Separate accounts maintained in respect of :

Assam from November, 1958.

Bihar from November, 1958.

Orissa from February, 1959.

APPENDIX V.

EMPLOYERS' STATE INSURANCE CORPORATION

Details of Receipts and Expenditure for the year 1959-60.

	Headquarters	Ahmedabad	Andhra	Assam	Bihar	Bombay	Delhi	Kerala
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>Receipts</i>								
Employers' Share . . . . .	..	23,00,000	7,55,000	1,36,000	11,25,000	1,08,00,000	8,20,000	6,20,000
Employees' Share . . . . .	..	..	8,50,000	90,000	4,00,000	1,81,50,000	15,50,000	10,70,000
Miscellaneous	58,49,600	800	2,100	..	900	41,500	3,350	1,000
TOTAL	58,49,600	23,00,800	16,07,100	2,26,000	15,25,900	2,89,91,500	23,73,350	16,91,000
<i>Expenditure Benefits</i>								
Medical Benefit . . . . .	..	..	11,80,000	1,00,000	6,00,000	64,10,000	13,50,000	5,50,000
Sickness Benefit . . . . .	..	..	4,70,000	17,000	1,60,000	90,00,000	8,50,000	7,23,000
Extended Sickness Benefit . . . . .	..	..	8,500	200	4,000	3,50,000	23,000	12,000
Maternity Benefit . . . . .	..	..	76,500	1,000	2,000	5,20,000	7,500	1,28,000
Disablement Benefit . . . . .	..	..	92,000	7,300	33,000	26,17,800	4,18,000	1,10,500
Dependants' Benefit . . . . .	..	..	9,900	1,700	12,400	3,64,300	73,800	17,500
TOTAL—CASH BENEFITS . . . . .	..	..	6,56,900	27,200	2,11,400	1,28,52,100	13,72,300	9,91,000
Other Benefits . . . . .	..	..	1,700	200	87,900	10,700	6,700	
TOTAL BENEFITS . . . . .	..	..	18,38,600	1,27,400	8,11,600	1,93,50,000	27,33,000	15,47,700
<i>Administration Expenses</i>								
Administration Expenses	21,88,500	63,600	2,72,000	65,000	1,47,800	19,48,500	3,30,900	3,01,400
TOTAL—REVENUE EXPENDITURE	21,88,500	63,600	21,10,600	1,92,400	9,59,400	2,12,98,500	30,63,900	18,49,100

EMPLOYEES' STATE INSURANCE CORPORATION

Details of the Receipts and Expenditure for the year 1959-60

APPENDIX V

		Madhya Pradesh	Madras	Mysore	Orissa	Punjab	Rajasthan	Uttar Pradesh	West Bengal	Total
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
<i>Receipts</i>										
Employers' Share . . .	.	9,00,000	25,25,000	11,00,000	77,000	6,80,000	2,40,000	15,70,000	75,00,000	3,11,48,000
Employees' Share . . .	.	16,50,000	39,00,000	17,00,000	90,000	9,50,000	4,70,000	31,00,000	70,62,000	4,10,32,000
Miscellaneous . . .	.	2,800	8,400	800	100	1,250	1,100	6,800	22,500	59,43,000
TOTAL	.	25,52,800	64,33,400	28,00,800	1,67,100	16,31,250	7,11,100	46,76,800	1,45,84,500	7,81,23,000
<i>Expenditure Benefits</i>										
Medical Benefit . . .	.	23,50,000	18,00,000	16,00,000	50,000	12,40,000	7,50,000	25,80,000	29,40,000	2,35,00,000
<i>Cash Benefits</i>										
Sickness Benefit . . .	.	12,00,000	31,00,000	8,00,000	..	1,78,000	1,97,000	14,00,000	33,00,000	2,13,95,000
Extended Sickness Benefit . . .	.	27,000	78,000	11,000	..	3,800	5,500	40,000	1,00,000	6,63,000
Maternity Benefit . . .	.	90,000	3,50,000	60,000	..	4,000	22,000	4,000	70,000	13,35,000
Disablement Benefit . . .	.	2,74,000	3,75,000	1,02,000	9,100	1,35,500	43,800	4,23,000	8,58,000	54,99,000
Dependants' Benefit . . .	.	66,700	55,500	15,600	1,500	58,000	11,300	1,25,000	1,86,800	10,00,000
TOTAL—CASH BENEFITS	.	16,57,700	39,58,500	9,88,600	10,600	3,79,300	2,79,600	19,92,000	45,14,800	2,98,92,000
Other Benefits . . .	.	2,900	11,000	4,700	100	1,500	1,600	9,800	29,000	1,68,000
TOTAL BENEFITS		40,10,600	57,69,500	25,93,300	60,700	16,20,800	10,31,200	45,81,800	74,83,800	5,35,60,000
<i>Administration Expenses</i>										
Administration Expenses . . .	.	3,78,100	8,21,900	2,63,800	83,400	2,33,100	1,57,700	7,49,200	16,30,100	96,35,000
TOTAL—REVENUE EXPENDITURE	.	43,88,700	65,91,400	28,57,100	1,44,100	18,53,900	11,88,900	53,31,000	91,13,900	6,31,95,000

APPENDIX VI

EMPLOYEES' STATE INSURANCE CORPORATION

Details of Receipts and Expenditure for the year 1960-61

Receipts

	Head-quarters	Ahmedabad	Andhra	Assam	Bihar	Bombay	Delhi	Kerala	Madhya Pradesh	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs..	
Employer's share	.	..	27,87,000	8,25,000	1,30,000	12,52,000	1,08,00,000	8,20,000	7,70,000	9,90,000
Employee's share	.	..	20,70,000	12,50,000	90,000	7,88,000	1,83,25,000	15,50,000	15,00,000	20,77,000
Miscellaneous	.	61,03,600	2,000	2,100	..	400	42,600	3,400	1,200	3,500
TOTAL RECEIPTS	.	61,03,600	48,59,000	20,77,100	2,20,000	20,40,400	2,91,67,600	23,73,400	22,71,200	30,70,500
<i>Expenditure Benefits</i>										
Medical Benefit	.	..	17,63,000	19,55,000	1,05,000	14,50,000	1,01,76,000	16,97,000	20,76,000	30,28,000
<i>Cash Benefits.</i>										
Sickness Benefit	.	..	5,75,000	29,000	2,51,500	90,00,000	8,50,000	11,00,000	13,38,000	
Extended Sickness Benefit	.	..	11,000	200	6,000	4,00,000	25,000	20,000	30,000	
Maternity Benefit	.	..	89,000	1,000	3,200	5,20,500	7,500	2,40,000	1,04,000	
Disablement Benefit	.	..	5,81,000	1,16,500	16,500	1,07,000	21,85,200	2,72,000	1,50,700	2,94,800
Dependant's Benefit	.	..	1,27,100	14,200	3,800	59,000	3,64,200	70,400	24,000	80,700
TOTAL CASH BENEFITS	.	..	7,08,100	8,05,700	50,500	4,26,700	1,24,69,900	12,24,900	15,34,700	18,47,500
Other benefits	.	..	4,600	1,800	400	900	77,900	11,200	11,600	6,700
TOTAL BENEFITS	.	..	24,75,700	27,62,500	1,55,900	18,77,600	2,27,23,800	29,33,100	36,22,300	48,82,200
<i>Administration Expenses</i>										
Administration Expenses	.	22,31,000	7,35,000	2,82,000	78,000	1,48,000	19,60,000	3,31,000	3,49,000	3,78,000
TOTAL REVENUE EXPENDITURE	.	22,31,000	32,10,700	30,44,500	2,33,500	20,25,600	2,46,83,800	32,64,100	39,71,300	52,60,200

APPENDIX VI

EMPLOYEES' STATE INSURANCE CORPORATION

Details of Receipt and Expenditure for the year 1960-61

Receipts

	Madras	Mysore	Orissa	Punjab & H.P.	Rajasthan	Uttar Pradesh	West Bengal	Total
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Employer's share	26,25,000	11,35,000	1,35,000	7,23,000	2,52,000	16,00,000	85,40,000	3,33,84,000
Employee's share	43,50,000	19,00,000	2,70,000	11,85,000	5,40,000	32,00,000	1,19,05,000	5,10,00,000
Miscellaneous	8,500	900	100	1,300	1,100	7,300	27,000	62,05,000
TOTAL RECEIPTS	69,83,500	30,35,900	4,05,100	19,09,300	7,93,100	48,07,300	2,04,72,000	9,05,89,000

Expenditure Benefits

Medical Benefit	53,70,000	22,63,000	6,30,000	16,80,000	9,42,000	46,90,000	66,75,000	4,45,00,000
<i>Cash Benefits</i>								
Sickness Benefit	34,00,000	9,64,000	75,000	2,08,000	2,22,000	14,70,000	40,49,500	2,35,32,000
Extended Sickness Benefit	95,000	19,000	1,000	4,500	6,500	44,000	1,37,800	8,00,000
Maternity Benefit	4,00,000	80,000	1,000	4,000	23,000	4,500	91,300	15,69,000
Disablement Benefit	3,91,300	1,36,000	27,600	1,16,400	47,000	3,37,000	15,88,000	63,67,000
Dependant's Benefit	60,300	25,600	4,400	64,500	12,300	1,23,100	3,06,400	13,40,000
TOTAL CASH BENEFITS	43,46,600	12,24,600	1,09,000	3,97,400	3,10,800	19,78,600	61,73,000	3,36,08,000
Other benefits	17,100	7,800	400	2,100	1,500	10,200	49,800	2,04,000
TOTAL BENEFITS	97,33,700	34,95,400	7,39,400	20,79,500	12,54,300	66,78,800	1,28,97,800	7,83,12,000
Administration Expenses	8,65,000	3,76,000	1,12,000	2,35,000	1,84,000	7,50,000	22,00,000	1,12,14,000
TOTAL REVENUE EXPENDITURE	1,05,98,700	38,71,400	8,51,400	23,14,500	14,38,300	74,28,800	1,50,97,800	8,95,26,000

APPENDIX VII

EMPLOYEE'S STATE INSURANCE CORPORATION

List of new places where the Scheme was anticipated to be extended in 1959-60

Statement 'B'

Sl. No.	State	Centres	No. of employees	For Insured persons only		For families of Insured Persons	
				Date of im- plementation originally anticipated	Actual or Anti- cipated date of implemen- tation	Date of imple- mentation originally anticipated	Actual or Anti- cipated date of implementation
1	2	3	4	5	6	7	8
1	Andhra	Warangal and Sirpur	14,500	1-4-1959	15-II-1959 (9,500 nos.) 1-I-1960 (5,000 nos.)	1,7-1959 (14,500 units)	15-2-1960 (9,500 units)
2	Bihar	Dalmianagar, Banjori, etc.	32,000	1-7-1959	26-I-1960 (23,000 nos.)	1-10-1959	1960-61
3	Bombay	Jamnagar, Bhavnagar etc.	50,000	1-10-1959	..	1-I-1960	..
4		Greater Bombay	..			1-4-1959	1960-61
5		Ahmedabad	..	1-4-1959	1960-61	1-7-1959	1960-61
6		Nagpur	..	1,47,000	..	1-4-1959	1960-61
7		Akola and Hinganghat	..			1-4-1959	1960-61
8	Delhi	Delhi	..	..	..	1-4-1959	1-7-1959
9	Kerala	Kozikode and Feroke etc.	16,000	1-3-1959	12-7-1959 (16,000 nos.)	1-6-1959	1960-61
10		Cannanore, Kundra, Punalur, Kottayam etc.	22,000	1-7-1959	1-2-1960 (20,000 nos.)	1-10-1959	1960-61
11		Alleppey etc. and Trivandrum	..			1-4-1959 (34,500 units)	1960-61
12	Mysore	Hubli, Gulbarga etc.	30,500	1-7-1959	1-2-1960 (9,000 nos.)	1-10-1959	1960-61

13	Madras	Trichy and Kalipatti etc.	18,000	I-4-1959	I-I-1960 (12,500 nos.) I-2-1960 (5,500 nos.)	I-10-1959	1960-61
14		Madras City, Coimbatore etc.			I-7-1959 (1,34,000 units)		1960-61
15		Salem and Udumalpet etc.			I-10-1959 (20,500 units)		1960-61
16	Orissa	Cuttack, Barajarajnagar etc.	17,000	I-3-1959	I-I-1960 (18,000 nos.)	I-6-1959 (17,000 units)	1960-61
17	Punjab and Himachal Pradesh	Dhariwal					
18		Phagwara, Govindgarh etc.	3,000 17,000	I-7-1959 I-7-1959	29-II-1959 I-2-1960 (9,000 nos.)	I-10-1959 I-10-1959 (17,000 units)	29-2-1960 1960-61
19		Khasa	500	..	10-5-1959	..	9-8-1959
20	Rajasthan,	Lakheri				I-7-1959 (2,000 units)	I-1-1960 (2,000 units)
21	Uttar Pradesh.	Meerut, Firozabad etc.	9,500	I-10-1959	I-3-1960 (5,000 nos.)	I-1-1960 (5,000 units)	1960-61
22		Kanpur etc.				I-7-1959	14-11-1959
23	Madhya Pradesh	Rajnagoan, Kymore etc.	11,500	I-7-1959	27-9-1959 (8,500 nos.)	I-10-1959 (11,500 units)	27-12-1959 (8,500 units)
24	West Bengal	Greater Calcutta	2,75,000	I-3-1959	I-I-1960 (3,000 nos.) 1960-61		

BUDGET ESTIMATES FOR THE YEAR 1960-61

Details of the Amount provided under the Head "Allowances, and Honoraria".
STATEMENT C.

Travelling Allowance											
	For tour including travel concession	For transfer	Conveyance Allowance	Dearness Allowance	Dearness Pay	House rent Allowance	City Compensatory Allowance	Non-practising Allowance	Reimbursement of medical charges	Other items	Total
Principal Officers . .	16,200	1,000	..	..	..	16,200	..	..	600	..	34,000
Other Officers . .	52,000	10,000	13,000	54,000	43,000	31,900	23,300	32,000	7,300	4,500	2,70,000
Ministerial Establish- ment . .	47,000	6,000	2,000	437,000	3,60,000	2,01,000	1,01,000	..	32,000	1,000	11,87,000
Class IV servants . .	2,300	500	..	1,25,000	1,00,000	49,000	22,000	..	7,000	200	3,06,000
 “ A.—Superintendence ”											
Other Officers . .	3,000	2,500	..	13,600	12,500	7,000	9,500	..	1,900	..	50,000
Ministerial Establish- ment . .	50,000	22,000	20,000	5,87,000	4,62,000	1,50,200	1,00,400	..	20,000	400	14,12,000
Class IV Servants . .	4,000	1,000	..	1,83,000	1,43,000	34,000	16,000	..	3,000	500	3,84,500
TOTAL . .	<u>1,74,500</u>	<u>43,000</u>	<u>35,000</u>	<u>13,99,600</u>	<u>11,20,500</u>	<u>4,89,300</u>	<u>2,71,200</u>	<u>32,000</u>	<u>71,800</u>	<u>6,600</u>	<u>36,43,500</u>

[No. F. HI-4(1)/60.]

New Delhi, the 5th May 1960

S.O. 1221.—In pursuance of the proviso to regulation 16(1) and the second proviso to regulation 18(1) of the Coal Mines Regulations, 1957, the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour and Employment No. S. O. 2030, dated the 23rd September, 1958 namely:—

In the Table appended to the said notification, under the heading "INDIA"—

- (1) in item No. 1, under column II, the brackets, words and figures "(issued upto 1929)" shall be added after the words "Diploma in Mining";
- (2) in item No. 2, under column II, the expression "(issued upto 1950-51)" shall be inserted after the words "Certificate in Coal Mining".

[No. MI-17(5)/59-I.]

S.O. 1222.—In pursuance of the proviso to regulation 17 of the Coal Mines Regulations, 1957, the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour and Employment, No. S. O. 1250 dated the 26th May, 1959, namely:—

In the Table appended to the said notification, under the heading "INDIA" and the sub-heading, "List of Institutions awarding Degree/Diploma in Mining":—

- (1) in item No. 2, under column II, the brackets, words, and figures "(issued upto 1929)" shall be added after the words "Diploma in mining";
- (2) in item No. 3, under column II, the expression "(Issued upto 1950-51)" shall be added after the words "Certificate of Coal Mining", and the expression "(Issued upto 1938-39)" shall be added after the words "Certificate of Metal Mining".

[No. MI-17(5)/59(ii).]

R. M. D'OPHODE, Under Secy.

New Delhi, the 5th May 1960

S.O. 1223.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri W. V. Oak, I.A.S., to be an Inspector for the whole of the State of Madhya Pradesh for the purposes of the said Act and of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of, the Central Government, or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry vice Shri L. R. Joshi.

[No. 31(720)60/PFI/I.]

S.O. 1224.—In pursuance of the provisions of paragraph 20 of the Employees' Provident Funds Scheme, 1952, framed under section 5 of the Employees' Provident Funds Act, 1952 (19 of 1952) the Central Government hereby appoints Shri W. V. Oak I.A.S., as Regional Provident Fund Commissioner for the whole of the State of Madhya Pradesh vice Shri L. R. Joshi. Shri W. V. Oak shall work under the general control and superintendence of the Central Provident Fund Commissioner.

[No. 31(720)60/PFI/II.]

S.O. 1225.—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 30th September, 1956, to the factory known as Messrs. Godrej Soaps Private Limited, 316 Delisle Road, Post Office Jacob Circle, Bombay-11, there was in existence a provident fund common to the employees employed in the factory, to which the said Act applies, and the employees in their other establishments specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the said establishments.

SCHEDULE

1. Messrs Godrej Soaps Private Ltd., 23-A, Netaji Subhas Road, Calcutta;
2. Messrs Godrej Soaps Private Ltd., 168, Chandni Chowk, Delhi;
3. Messrs Godrej Soaps Private Limited, 163, Broadway, Madras;
4. Messrs Godrej Soaps Private Limited, Calvety, Cochin;
5. Messrs Godrej Soaps Private Limited, Next to Vegetable Market, Manek Chowk, Ahmedabad.

[No. P.F. II. 7(42)/59.]

S.O. 1226.—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 1st August, 1956, to the factory known as Messrs. Associated Printers (Madras) Limited, Mount Road, Madras-2, there was in existence a provident fund common to the employees employed in the factory, to which the said Act applies, and the employees in their Branch Establishment situated at 17-A, Mahatma Gandhi Road, Bangalore.

Now, therefore, in exercise of the powers conferred by Section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the said Branch Establishment.

[PF.II.7(5)/60].
P. D. GAIHA, Under Secy.

New Delhi, the 5th May 1960

S.O. 1227.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Additional Industrial Tribunal, Bombay in the industrial dispute between Bombay Port Trust, Bombay and their workmen.

BEFORE THE CENTRAL GOVERNMENT ADDITIONAL INDUSTRIAL
TRIBUNAL, BOMBAY

REFERENCE NO. CGIT-11 OF 1960

Employers in relation to the Bombay Port Trust, Bombay

AND

Their workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

APPEARANCES:

For the employers.—Shri S. D. Nariman, Legal Adviser, Bombay Port Trust.

For the workmen.—Counsel Shri C. L. Dudhia, for the Bombay Stevedores and Dock Labourers' Union.

Shri S. Maitra, General Secretary, for the Bombay Port Trust General Workers' Union.

Bombay, the 28th April 1960

STATE: Bombay.

INDUSTRY: Ports and Docks.

AWARD

The Central Government by the Ministry of Labour and Employment's order No. 28(3)/60-LRIV dated 14th January, 1960, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), was pleased to refer the industrial dispute between the parties above named in respect of the subject matters specified in the schedule (re-produced below) to the said order to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act and by a subsequent order No. 28/32/59-LRIV dated 2nd February, 1960 Government was pleased in exercise of the powers conferred by section 33B(1) of the Industrial Disputes Act, 1947, to withdraw the proceedings in relation to the said dispute from the Industrial

Tribunal, Bombay and transfer the same to me as Presiding Officer of the Central Government Additional Industrial Tribunal, Bombay.

SCHEDULE

- (1) Whether the channel of promotion to certificated posts of Deck Crew of the Dock Flotilla and the Harbour flotilla of the Port Department of the Bombay Port Trust, should continue to be unified or be separated?
 - (2) Whether the promotions and transfers of Deck Crews made from the Harbour Flotilla to the Dock Flotilla and vice versa after August, 1959, should be cancelled or not?
2. After the usual notices were issued on the parties, the President of the Bombay Stevedores and Dock Labourers' Union filed a statement of claim on 29th February, 1960 to which the Secretary of the Bombay Port Trust filed his written statement in reply on 11th April, 1960. A written statement was also received from the General Secretary of the Bombay Port Trust General Workers' Union dated 20th April, 1960, after which the dispute was heard on 22nd April, 1960.
3. At the outset I may state that a legal practitioner was permitted to appear for the Bombay Stevedores and Dock Labourers' Union as his appearance was consented to by Shri S. Maitra representing the Bombay Port Trust General Workers' Union and by Shri S. D. Nariman, representing the Bombay Port Trust.
4. The dispute relates to channels of promotion to certificated posts of deck crew of the dock flotilla and the harbour flotilla of the Port Department of the Bombay Port Trust and has a history. It appears that the Bombay Port Trust has two flotillas, namely, the dock flotilla and the harbour or port flotilla consisting of tugs, launches etc. It is admitted that the dock area is a restricted area compared to the port or harbour area and consequently manoeuvring of vessels is more difficult in the former area. The categories of employees working in these two flotillas consist of lascars and khalasis (first and second class) seacunneys, junior and senior serangs, second class masters and first class masters. Junior and senior serangs and second and first class masters are required to possess competency certificates and these posts are therefore known as certificated posts. No certificates are required for posts of lascars, first and second class, and seacunneys.
5. It is the admitted position of all parties that prior to August 1959 the dock crew and the harbour crew were treated as separate for purposes of promotion. It appears that in about August 1959 the Port Trust purchased four new tugs for the docks for which ten certificated posts were required to be filled in for which sufficient number of qualified certificated personnel were not available from the dock crew, and therefore a suggestion was made by the Port Trust to the Bombay Port Trust General Workers' Union for a pooled seniority between the dock and the harbour flotilla crews for filling in those posts. It is immaterial for the purpose of this case whether this suggestion of pooled seniority emanated from the Port Trust or the Bombay Port Trust General Workers' Union. The fact, however, remains that on 6th August 1959 the Bombay Port Trust General Workers' Union called a general body meeting of its members who approved of the principle of pooled seniority and on the following day i.e., 7th August, 1959 the General Secretary of the Bombay Port Trust General Workers' Union addressed a letter to the Deputy Secretary, Bombay Port Trust in which *inter alia* he stated as follows:—
- "At the General Body meeting held yesterday, it was decided that the idea of pooling the seniority should be accepted in principle. But the pooling of seniority should be restricted only to the posts, for holders of which Certificates of Competency are pre-requisite".
- With regard to the remaining posts namely those of seacunneys, 1st class lascars and 2nd class lascars it was decided to maintain them on two different and separate lists. Further, in the letter the General Secretary of the Bombay Port Trust General Workers' Union expressed the hope that the suggestions would be finally adopted and seniority lists would be prepared accordingly. (See exhibit '3' to Bombay Port Trust written statement).

6. Thereupon, on 31st August, 1959 the Bombay Port Trust issued a departmental order in which, *inter alia*, it was stated that promotions from cadre of certificated posts onwards be pooled from the whole dock and port flotillas, on seniority-cum-suitability basis. The departmental order further stated that the

above proposals would offer better chances to everybody concerned on the basis of seniority-cum-suitability and would also ensure that the Port would always have a large source of fully trained staff for all departments.

7. In pursuance of this order certain transfers on promotion of certificated personnel from the harbour flotilla to the dock flotilla were made between 16th October, 1959 and 1st February, 1960, particulars of which are contained in a statement exhibit 2, annexed to the Bombay Port Trust's written statement.

8. I may pause here and say that the Bombay Stevedores and Dock Labourers' Union accepted the principle of pooled seniority and the promotions which had followed as a result thereof.

9. It appears that on 8th December, 1959 the Bombay Port Trust General Workers' Union addressed a letter to the Deputy Secretary of the Bombay Port Trust in which it demanded that the pooled seniority system should be abolished (exhibit 4 to the Bombay Port Trust's written statement). In that letter the union stated that the actual experience of the working of the system of pooled seniority had shown that it was unworkable and it therefore demanded that the system of pooled seniority should be scrapped and the old arrangement of separating the departments for purposes of seniority should be restored. Within a matter of ten days thereafter in support of this demand there was a strike of the dock flotilla crew. The strike was resorted to without any notice. The strike commenced at 5 A.M. but was called off at 3 P.M. on the same day on an agreement being reached between the Bombay Port Trust and the Bombay Port Trust General Workers' Union. The terms of settlement are brief and have been recorded in para 2 of the written statement of the Bombay Port Trust and may well be reproduced at this stage:—

- "(1) The Departmental Order issued by the Deputy Conservator combining the channels of promotion of the Deck crews of the Dock and Harbour flotillas would be kept in abeyance and separate channels of promotion restored, on a provisional basis, subject to review and modification if circumstances so warranted.
- (2) The appointments made of man belonging to one flotilla to posts in the other flotilla after the unification of the channels of promotion, would be cancelled and fresh appointments made on the following principles:—
 - (i) Fresh appointments to posts on the Dock side would be made by the appointment of suitable qualified candidates from the Dock flotilla itself, the deficiencies being thereafter filled in by selection of suitable men from the Harbour flotilla.
 - (ii) The seniority of man so transferred would be fixed according to the normal rules.
 - (iii) Deficiencies in the Harbour flotilla in the ranks of Syrangs would likewise be filled by transfers of men from the Dock flotilla. All such transfers would be on permanent basis".

10. But matters were not destined to rest there. It appears that on 21st December, 1959 the Bombay Stevedores and Dock Labourers' Union, which, as stated earlier, had accepted the principle of pooled seniority protested against this new arrangement arrived at by the Port Trust with the Bombay Port Trust General Workers' Union and raised an industrial dispute which was taken up in conciliation and ultimately the dispute was referred for adjudication to this Tribunal as stated above.

11. At the hearing the parties did not suggest any other issues for decision except the two referred for adjudication as stated in the schedule to the order of reference.

12. The first issue is whether the channels of promotion to the certificated posts of deck crew of the Dock Flotilla and the Harbour Flotilla of the Port Department of the Bombay Port Trust should continue to be unified or be separated?

13. Shri Dudhia, appearing for the Bombay Stevedores and Dock Labourers' Union, in support of his demand for continuing the system of unified channels of promotion to certificated posts has urged that in August 1959 the Bombay Port Trust General Workers' Union had agreed to the principle of pooled seniority with suitability and that no justifiable case had been made out for discontinuing this practice. Whilst admitting that the operation of tugs and launches in the docks requires more experience than is required for operating the same vessels

in the harbour, Shri Dudhia has emphasized that eligibility for the certificated posts is the same for the deck crews of both the dock and harbour flotillas; that provision had been made in the departmental order dated 31st August 1959 for training of the harbour crew for work in the docks which would ensure sufficient deck crews being made available for the dock flotilla.

14. Shri Maitra, appearing for the Bombay Port Trust General Workers' Union, has urged that the channels of promotion should be separated and he has in support mainly relied upon what he called the second agreement of 19th December 1959 by which according to him the Port Trust has agreed to abandon the principles of pooled seniority, and to maintain separate channels of promotion to the certificated posts. Shri Nariman, for the Port Trust, on the other hand, has argued that the arrangement of 19th December 1959 was a provisional one, subject to review and modification if circumstances so warranted and in that connection he laid particular emphasis on the words "on a provisional basis, subject to review and modification if circumstances so warranted" appearing in para 1 of the arrangement dated 19th December 1959, which I have reproduced above. Shri Nariman has pointed out that the putting into commission for the first time of the two new diesel tugs namely the "Rahul" and the "Raman" in February 1960 constituted a change in circumstance. Shri Dudhia has stated that his union was never a party to the agreement of 19th December 1959 and that the workmen represented by this Union are opposed to separate channels of promotion.

15. It appears to me that the arrangement of 19th December 1959 was only a provisional arrangement. It was never fully acted upon as it is admitted by both parties that the promotions made subsequent to that date up to 1st February 1960 of the five certificated personnel, being items Nos. 6 to 10 in the statement exhibit 2 to the Bombay Port Trust's written statement, were also on the principle of pooled seniority. It appears to me that being faced with a sudden strike the Port Trust authorities entered into a provisional arrangement with the Bombay Port Trust General Workers' Union, but that arrangement was never acted upon. In any case such an arrangement would not be binding on all the workmen as it is admitted that the Bombay Stevedores and Dock Labourers' Union, which admittedly represents a large section of the workmen working both in the dock and the harbour flotillas of the Port Department of the Port Trust, was never a party to that arrangement and immediately it came to know of that arrangement it raised an industrial dispute which has been referred to me for adjudication.

16. I have in this dispute to decide on the merits whether the channel of promotions to certificated posts of deck crew of the dock and harbour flotillas of the Port Department of the Bombay Port Trust should continue to be unified or be separated. That the Bombay Port Trust General Workers' Union had accepted the principle of unified channels of promotion is borne out from what it had stated in its letter dated 7th August 1959, the relevant portion of which I have extracted above. It is clear from a perusal of the subsequent correspondence between Shri Maitra's union and the Bombay Port Trust, that the objection was that individual members of the deck crew from the harbour flotilla who were promoted to the certificated posts in the dock flotilla had not proved fit to discharge efficiently the duties of the posts to which they were promoted, and not to the principle of pooled seniority. It appears that a tug named "Hardy" had capsized when it was manned by one of the promoted personnel from the harbour flotilla. But as pointed out by Shri Nariman, the order dated 31st August 1959 provided for training of harbour crew for work on certificated posts in the docks flotilla. Besides, there is an admission contained in Shri Maitra's Union's letter dated 8th December 1959 that some of the harbour crew know the work of handling the dock vessels and it is further clear from paragraph 5 of Shri Maitra's letter dated 8th December 1959 that the complaint was against certain individuals who had been promoted and not to the principle of unified channels of promotion. It appears that one of the main reasons why Shri Maitra's union is opposing pooled seniority is that certain masters had suffered in their remuneration when they were posted on relief duty. It also appears that ten seacunneys in the dock flotilla who have not been able to pass the qualifying examination for posts of seafarers and masters, are blocking the promotion of lascars to posts of seacunneys. These are really extraneous considerations or at best grievances against individuals which could be remedied; and which do not affect the principle of unified channel of promotion which Shri Maitra's Union had accepted in August 1959. Shri Maitra has further relied on a resolution of the Bombay Port Trust dated 8th December 1959 whereby separate channels of promotion were accepted

for the engine room crews of steam powered craft and diesel powered craft of the dock and harbour flotillas. But as pointed out by Shri Nariman there are different certificates required for the steam and diesel engine crews whilst in the case of the deck crew the certificate of competency for both the dock and the harbour flotilla is the same. That there is a dearth of qualified men in the dock flotilla crew is admitted in terms by para 7 of Shri Maitra's letter dated 8th December 1959, where it was observed:

"It is thus that the dock flotilla suffer from the shortage of certificated men, necessary to make all arrangements for the new tugs. But it may be pointed out that there are some persons in the Harbour Flotilla, who know the Dock Tug working, they having worked in the past. Similarly, there are others who have the initiative and capacity to qualify themselves to man these tugs with some experience. The Port Trust would be well advised in drafting such persons for manning the tugs."

17. On an anxious consideration of the submissions made by the parties, I am more than satisfied that it would be in the overall interest of the deck crews of both the dock and harbour flotillas of the Port Department of the Port Trust as also of the administration of the Port Department of the Port Trust to have a unified channel of promotion. I therefore, award that the channel of promotion to certificated posts of deck crews of the dock flotilla and the harbour flotilla should continue to be unified.

18. The second issue for determination is whether the promotions and transfers of dock crews made from the Harbour flotilla to the Dock flotilla and vice versa after August 1959 should be cancelled or not. It is admitted that the transfers and promotions effected since August 1959 are those shown in the statement exhibit 2 annexed to the written statement of the Bombay Port Trust and that these transfers were effected as a result of the agreement reached between Shri Maitra's union and the Bombay Port Trust in August 1959. Five of these promotions were made on 1st February 1960 after the arrangement of 19th December 1959 referred to earlier. There is not even a suggestion that there was any unfair labour practice or favouritism resorted to when these promotions and transfers were effected. It is further admitted by Shri Maitra that even today there are not sufficient number of qualified men available from the dock crew to fill the posts which the harbour crew are holding by promotions made on a pooled seniority basis subsequent to the Port Trust's order of 31st August 1959. It is further admitted that if all the promoted crew are sent back to the harbour flotilla there will not be sufficient number of certificated men to man the tugs in the docks. On these facts and circumstances and taking into consideration that I have held that the principle of unified channels of promotion should be continued, I have no hesitation in holding that the promotions and transfers of deck crews made from the Harbour Flotilla to the Dock Flotilla and vice versa after August 1959 on the basis of the Port Trust's order dated 31st August 1959, should not be cancelled and I award accordingly.

19. No order as to costs.

SALIM M. MERCHANT,
Presiding Officer,
Central Government Additional Industrial
Tribunal.

[No. 28/3/60/LR.IV.]

New Delhi, the 9th May 1960

S.O. 1228.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad in the industrial dispute between Martin's Light Railways, Calcutta and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD

REFERENCE NO. 66 OF 1959

PARTIES:

Employers in relation to the Martin's Light Railways, Calcutta, representing
the management of the Howrah-Amra and Howrah-Sheakhala Light Rail-
way Companies

AND

Their workmen.

PRESENT:

Shri G. Palit, M.A., B.L., Chairman,
Central Government Industrial Tribunal, Dhanbad.

APPEARANCES:

For the employers:

Shri S. K. Mullick, Solicitor, with
Shri L. H. Das, Chief Accountant, and
Shri A. Chakravarty, Assistant Personnel Officer.

For the workmen:

Shri D. L. Sen Gupta, Advocate, with
Shri D. Narsingh, Advocate, and
Shri Sibnath Banerjee, President—for the Light Railways Employees
Union, and
Shri Ram Sen, Vice-President, with
Shri Sunil Banerjee, General Secretary—for the Martin Light Railway
Mazdoor Union.

Dhanbad, dated the 29th April, 1960

STATE: West Bengal.

INDUSTRY: Railways.

AWARD

The Government of India, Ministry of Labour & Employment, by its Order No. LR.IV.3(29)/59-II, dated the 11th November 1959 referred for adjudication the aforesaid dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XIV of 1947) to the Central Government Industrial Tribunal at Dhanbad presided over by Shri Salim M. Merchant. His service, however, could not be available consequent on his transfer to Bombay. So the case was withdrawn by the aforesaid Government by its Order No. 4/47/59-LRII, dated 13th January 1960 under Section 33B(1) of the aforesaid Act and was transferred to the Industrial Tribunal at Dhanbad presided over by me for disposal. The said Ministry by another Order No. LR.IV.3(29)/59-II, dated the 11th November 1959 prohibited the continuance of the strike in existence in the said railways in connection with the above said dispute.

2. The issue containing the order of reference as per schedule stands as follows:—

"What quantum of bonus, the workmen of the Martin's Light Railways are entitled to, in respect of the years 1957-58 and 1958-59."

3. Regarding this issue there is some misconception. According to the management it is the profit bonus which has been meant by the above issue and that is why the financial year has been mentioned instead of the calendar year. According to the union Puja Bonus as a condition of service or as a customary traditional bonus or an admixture of the two was, what was represented by the issue. This must be clarified before I go into the merit of the case. To one who is conversant with the adjudication of industrial law it is well known that the issue in such adjudication is generally, couched in very general terms. Sometimes even when bonus is mentioned, the year is not mentioned. The Labour

Appellate Tribunal has recognised that such general issue is permissible in law but the scope of the issue has got to be ascertained with reference to the charter of demands of the union and also with reference to the pleadings subsequently filed by the parties, concerning the matter. In this case I find the letter of demand sent by the President, Light Railways Employees, Horwah-Maidan Station to the General Manager Howrah Amta and Howrah Sheakhala Light Railways, (Calcutta) forwarded to this Tribunal along with the Order of reference. In para 10 of this charter of demand, if it is one, I get "Puja Bonus of 1958 and 1959". It is further stated that Puja Bonus of 1958 and 1959 should be $2\frac{1}{2}$ months pay for each year as a condition of service and on the basis of equity since the head office staff of the company is paid bonus at that rate. At any event, and on the basis of the profit also, bonus should not be less than $2\frac{1}{2}$ months pay for each of the aforesaid years. So it is clear that what was demanded by the union and which formed the genesis of the dispute was Puja Bonus of 1958 and 1959. To buttress or to strengthen the claim of $2\frac{1}{2}$ months pay it has been made to rest on three ingredients, viz. (1) it is claimed as a condition of service or customary bonus, (2) on the basis of equity with the bonus payable to the head office staff, and (3) on the basis of profits also. So it is not profit bonus which is claimed here. Profit was mentioned only to reinforce the claim and not as an independent relief. But the management for reasons best known to it construed the issue as representing profit bonus and profit bonus alone. It has tried to set forth figures in the light of the bonus formula devised by the Labour Appellate Tribunal of India in the Millowners case, Bombay, 1950. It is only when the Tribunal had given out the interpretation and pointed out that the parties must be at issue regarding the Puja Bonus, then the management filed an additional written statement just to meet the claim. But it kept on harping on the matter that the issue stood for profit bonus and nothing but profit bonus. I must point out that profit bonus and Puja Bonus are two different claims altogether. I may point out the observations of Their Lordships of the Supreme Court in the case of Ispahani Limited Versus Ispahani Employees Union reported at page 5, 1959—Vol. II, L.L.J. Their Lordships have observed:

"It may now be taken as well settled that Puja Bonus in Bengal stands on a different footing from the profit bonus based on the Full Bench formula evolved by Labour Appellate Tribunal in Millowners' Association, Bombay case (1950, L.L.J. 1247)."

The mention of the financial year in the issue is not, in my opinion, very significant. The issue arises out of the dispute. Now if the dispute is a Puja Bonus, the issue cannot make it different. I have already noticed that the union claimed puja bonus for 1958 and 1959. If I look to the notices of the company granting the bonus in question, I find the notice of the company standing thus as per Exhibit 2(d) which is dated 17th September 1959. The circular runs as follows:—

"In order to assist the staff in making their Puja purchases, the Managing Agents are pleased to sanction an *ex-gratia* payment equivalent to one month's basic salary to all permanent members of the line staff on H.A. and I.I.S. Light Railways and those of Bankra Loco Stores Depot.....".

Another circular dated 3rd October 1951 marked Exhibit-A runs as follows:—

"In consideration of the extra traffic to be dealt with on the Howrah-Amta and Howrah-Sheakhala Light Railways during the Pujas an *ex-gratia* payment of 7 days' basic salary will be paid to those members of the permanent staff of these two Railways (including the Bankra Loco Depot staff but excluding the clerical staff) who will be on duty during the Puja Holidays."

In the circular dated 11th September 1954 marked Exhibit-A(3) I get:

"In consideration of the extra traffic to be dealt with on the Howrah-Amta and Howrah-Sheakhala Light Railways during the Pujas an *ex-gratia* payment equivalent to one month's basic salary will be paid..... At the request of the staff concerned it has been decided to make the *ex-gratia* payment before the Puja Holidays on condition that if any employee receiving payment before the Pujas, be absent from duty..... the amount paid will be refundable to the company."

Thus it is clear that the company made this payment of puja bonus to enable the staff to make Puja purchases and also imposed conditions under which it will be payable, namely the consideration of extra traffic, the deprivation of the Puja

holidays etc. The present dispute arose when the management refused the amount of bonus from 1-1/3 month's basic salary to one month's basic salary in the year 1959. So to convert the present dispute into one for profit bonus would be distortion of facts. The issue might have been drafted like what it is because the framers of the issue apparently got rather confused when they found the mention of Puja bonus as well as profit bonus in the letter of demand. So they thought it better not to mention Puja bonus but to keep it unqualified and also the financial year was subsequently mentioned. But it is clear that the bonus in question was payable either before the Pujas or shortly thereafter and it was given in connection with the Puja purchase. So the financial year was absolutely inappropriate. That being so, I rule out the management's contention that the present dispute relates to profit bonus and not to Puja Bonus. It is my clear finding that the issue relates to Puja Bonus.

4. Then I consider the question whether the union can succeed on the basis of Puja Bonus. Puja Bonus is of two kinds viz. (1) an implied agreement deducible from the circumstances or as a condition of service, (2) traditional or customary bonus. The tests to determine whether it is one or the other, the Labour Appellate Tribunal had laid down in the case of Mahalaxmi Cotton Mills reported in 1952—Vol. II, L.L.J. page 635. These tests have also been approved by the Hon'ble Supreme Court to be correct. The Hon'ble Supreme Court has decided two cases viz. (1) Ispahani Limited Versus Ispahani Employees Union, reported in 1959—Vol. II, L.L.J. p. 5, and (2) the Graham Trading Company (India) Limited and their workmen, reported in 1959—Vol. II, L.L.J. p. 393. The first relates to Puja Bonus as a condition of service. The second one relates to traditional or a customary bonus. As a result of these reported decisions of the Hon'ble Supreme Court, the characteristics of the two kinds of Puja Bonus have become very definite and precise. Besides fixing the tests for these two kinds of bonus Their Lordships found that all the tests must be satisfied in each case to establish whether one or the other kind of Puja Bonus has been made out or not. In other words, all these conditions as per these tests must co-exist. If one is found wanting the particular kind of bonus will fall through.

5. Regarding these tests I must point out that some of them are common while others are different. For instance, the payment of bonus must be unbroken over a series of years in both these kinds of Puja Bonus. The payment must also be made for a sufficiently long period. All that should be noticed is that the length of period would differ from case to case according to its nature. What is long in one, may be short in another but in the case of customary bonus the length of the period must necessarily be longer than in the case of Puja Bonus as a condition of service. It is also a common feature in both these kinds of bonus that circumstances must be proved in a manner which would exclude the hypothesis that the bonus was paid out of bounty. In this connection, it is said that the bonus must be paid in a year of loss to make out the requirement of the test. But in respect of one test the conditions are dis-similar. For instance, in the case of customary bonus the payment of bonus must be at a uniform rate, in the case of bonus as a condition of service the payment may be made at a varying rate. It is enough if for such bonus something is proved to have been paid all these years as Bonus. Further the use of expression as "ex-gratia" is important in the case of bonus as a condition of service. But it is not so in the case of customary bonus because such expression is unilateral and also that custom depends more on the conduct of parties than on the use of expressions while granting bonus.

6. Keeping those test in view I can at once say that in the instant case, Puja Bonus as customary or traditional bonus must be ruled out. Firstly, it was not paid in the year of loss and secondly, that the rate of payment is varying one. For instance, as per Exhibit-A I find that the rate was 7 days basic pay from 1949 to 1950. Then it was raised to one month's basic pay in 1953 and 1954. It was further raised to 1-1/3 months' basic pay in 1955 to 1958. It was in 1959 that it was reduced to one monthly basic salary. That has given rise to the present dispute. So it is clear that the rate of payment is nothing but uniform. That is fatal to Puja Bonus as traditional bonus or customary bonus. Further, I find that the length of the period of payment is not sufficient to give rise to customary bonus. The evidence is that it was paid from 1949 to 1959, that is, for 10 or 11 years. The railway exists for more than half a century. They have come into being sometime towards the closing years of the last century. Compared to this period of existence, the period of bonus payment is certainly small. Even taken by itself, the period does not appear to me to be sufficiently long to establish the customary usage. The customary bonus no doubt, exists in West Bengal as was found in the Bengal Chamber of Commerce case reported in Major Award of

West Bengal ending on March 1949. Their Lordships of the Hon'ble Supreme Court have also found that customary bonus does exist in West Bengal. It is payable during the Puja holidays to enable the workmen to make presents to their near and dear ones. They cannot afford to do it by drawing upon their savings which are next to nil. So Puja Bonus has grown up as a custom in West Bengal. But unless the tests are satisfied as laid down by the Hon'ble Supreme Court, Puja Bonus simply because it is claimed in West Bengal cannot succeed. So I discard the claim of the union to Puja Bonus as customary or traditional bonus.

7. Next, I proceed to the question whether Puja Bonus as a condition of service has been substantiated by evidence in the present case. In that I have to refer to the tests already pointed out. I get from evidence that the payment in the instant case of bonus has been unbroken over a period of 10 or 11 years, that is, from 1949 to 1959. For Puja Bonus as a condition of service this period is held by me to be adequate though it was found inadequate to establish customary bonus. The payment, of course, has been varying one as I have already noticed. But that is immaterial in such a kind of Puja Bonus. All that is required is that something has been paid as Puja Bonus. So this test is also answered. Regarding the rest whether it has been paid in a year of loss, of course, the evidence is wanting. It is practically both sides case that the company has not suffered any loss during all those trading years, that is from 1949 onwards. But the point is whether the Puja Bonus as a condition of service should be thrown out on this ground alone. Of course, if this test is found wanting, then as all the conditions must co-exist, Puja Bonus as a condition of service must fail.

8. Further, the management contents that the use of expression "ex-gratia" occurs in all those circulars whenever bonus has been paid. That clearly contradicts that Puja Bonus was a condition of service. Let me see whether this test is fatal to the claim of Puja Bonus of the Union as an implied agreement. I find that Puja Bonus has survived the ordeal by this test also. Though the use of the term "ex-gratia" occurs in all those circulars Exhibit-A series under which payment of Puja Bonus was announced, I get at the same time that bonus was paid under certain conditions. These conditions were viz. (1) compulsory duty during the week of the Puja holidays. If anybody even after receipt of bonus fails to turn up for duty he will have to refund the payment of bonus already received. So it is compulsory. (2) Bonus was given in consideration of extra heavy traffic during these few days of the Puja week. I get in evidence that special trains were run, at least three of them, have been admitted by the management. Overcrowding was there. So the employees have to be alert apart from the strain involved. The management contends that if they had to work overtime, they may claim overtime wages. But mere overtime wages is not enough in such circumstances. Then there is also another aspect to be considered. Puja holidays are almost a National festival in West Bengal. People from far and near come home to meet their relatives and their families. The employees are deprived of this privilege. It is not a small privilege to people who have to live mostly away from their family because of the exigencies of service. Thus this amounts to not only sacrifice of comfort but sacrifice of a great amenity and social intercourse. So it appears that this payment of bonus rests in this particular case on mutuality of consideration. Just as extra benefit is given, extra advantage is taken from the employees. There is reciprocity which is the essence of an agreement. Is this not an implied agreement in that case? Is the use of expression 'ex-gratia' enough to neutralise this passing of consideration? I must say no. So, apart from the use of the expression 'ex-gratia', I must hold that in this instant case there is implied agreement, if not an express agreement and bonus that is paid is paid as a condition of service. Regarding the other point arisen in this connection, namely, whether it was paid in a year of loss, I must say that the evidence points to the fact that it was not so paid. Of course, in the statement of the management in Exhibit C-1 I find that in respect of 1949-50 concerning the Howrah-Sheakhala light railway some loss is shown. The learned lawyer on behalf of the management contends that this loss was subsequently made good by the extra income received in 1950-51 from the Eastern Railway as mentioned in the foot-note. That may be true. That is quite significant in reckoning the balance. But for my purpose I get that in 1949-50 bonus was given for 7 days basic pay though there was trading loss in the said year. Next, I may mention also that in the calculation regarding profit bonus the management has shown that after all was paid in the light of the bonus formula of the Labour Appellate Tribunal, the resultant position is deficit both in respect of 1957-58 and 1958-59. But it is admitted that bonus was paid in those years. So it will not be too much for the Tribunal to take it that bonus was paid though there was nett deficit in the trading year. But it may be argued that this

calculation was given by the management to reach the available surplus for bonus according to the Labour Appellate Tribunal formula in the Millowners case. That is true. But I do not rest my judgment on this fact alone. If the judgment of the Hon'ble Supreme Court in the aforesaid two cases is read between the lines, it will appear that payment of bonus in a year of loss was considered only to exclude the hypothesis that bonus was paid as a bounty. But if from other factors I get that bonus was not paid as a bounty, then this question of loss will cease to be of any moment. Loss was only mentioned to indicate how to displace the hypothesis of bonus paid as bounty. Had it been otherwise, then in case of prosperous concern which knows no loss in its trading career, Puja Bonus would never be entertained. 'No profit, No bonus', is the guiding principle of profit bonus. It cannot be said that unless there is loss there can be no Puja Bonus. Their Lordships' observation should be taken as a whole. So I find, as I have already noticed, that in this case Puja Bonus paid as bounty has already been negatived by the conditions attendant on such payment. So loss in the present case cannot be so much significant as it is ordinarily in other cases. Besides, each case has an authority for the decision with a reference to the facts involved. So I find that the present claim of the union has survived this test also.

9. Next I come to the reliefs claimed in this case. The union claims that Puja Bonus in this case must be $2\frac{1}{4}$ months pay akin to what is paid to the head office staff. I find no reason why it should be so paid. Each has its own conditions of service. The conditions of service of the line staff employees are not the same as those of the head office staff. So the quantum of bonus need not necessarily be the same. The Union also contends that their present claim is an admixture of Puja Bonus as the condition of service and also as customary bonus. Obviously this shows that the union was alive to the fact that the present claim does not answer fully the requirements of either of these two cases of Puja Bonus. But I do not think that the union can stand to gain by creating confusion. Their Lordships of the Hon'ble Supreme Court have made the conditions underlying those two kinds of bonus quite precise and definite. Unless the claim can be squeezed either under one or the other it cannot be succeed. So I reject that contention of the union. Regarding the quantum of bonus in this case I find that it must be between the amounts which have so far been paid. I find that it started with one week. It has ended in $1\frac{1}{3}$ months' basic pay in 1958. In 1959 it was sought to be reduced to one month's basic pay only. The management's contention is that it must be reduced because of though gross earnings have risen, the net profits had dwindled because of the rise in the working expenses. But the learned lawyer of the management forgets that Puja Bonus does not depend on profits. It can be given in a year of loss. So dwindling of profits does not come into the picture at all. In that view of the matter I find that there is no reason why the Puja Bonus in respect of 1958-59 should be less than $1\frac{1}{3}$ months' basic pay as in the preceding year. So my award is that for the year 1957-58 the Puja Bonus should be $1\frac{1}{3}$ months' basic pay which has already been paid and received, as I understand. Regarding the year 1958-59 one month's basic pay has already been paid. One third month's basic pay has been given as advance to be recovered. I award that it should not be recovered and the payment for this year alone must be $1\frac{1}{3}$ months' basic pay.

DHANBAD,
The 29th April, 1960.

G. PALIT, Chairman,
Central Government Industrial Tribunal, Dhanbad.

[No. 3/29/59-LR.IV.]

S.O. 1229.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between certain employers in the Calcutta Port and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD

REFERENCE NO. 27 OF 1959

PARTIES:

Employers in relation to Shri S. C. Ghose for Messrs Alex Miller
(Shipchandlers) Private Limited and 20 others as per Schedule I
to the Order of Reference of Government of India, Ministry of
labour and Employment No. LR.IV.28(7)/59 dated 24th April, 1959.

AND

Their workmen

PRESENT:

Shri G. Palit, M.A., B.L., *Chairman,*
Central Govt. Industrial Tribunal, Dhanbad.

APPEARANCES:

For the Employers:

1. Shri Nihkil Ranjan Roy, for River Transport Trading Company.
2. Shri Buddha Dev Ghosh, Calcutta Watchmen Suppliers.
3. Shri P. K. Sen Gupta, Vice-President, Calcutta Port Stevedores Association, for Messrs. C. Laurie & Co., (2) Imdad Ali, (3) Roy Choudhury & Co. and (4) Abdul Hakim.
4. Shri R. L. Sharma, for self.
5. Shri Mohitosh Chatterjee, for Naresh Nath Mukherjee.
6. Shri Ashutosh Raha, for Messrs. B. M. Mukherjee & Co.
7. Shri Manlal Gurung, for self.
8. Shri Rabindra Nath Chatterjee, for Messrs. Lal & Co.

For the workmen:

1. Shri Sudhir Das Sharma, Joint Secretary, Shipping Employees Union.
2. Shri P. Das Gupta, Member, Executive, with Shri Bhutnath De, Joint Secretary, Calcutta Dock Mazdoor Union.
3. Shri P. K. Ganguly, General Secretary, and Shri Nirmal Mukherjee, Assistant General Secretary, Calcutta Dockers Union.

Dhanbad, dated the 29th April, 1960.

STATE: West Bengal

INDUSTRY: *Shipping.*

AWARE

The Ministry of Labour & Employment, Government of India, by its Order No. LR.IV.28(7)/59 dated 24th April 1959 referred the aforesaid dispute to the Industrial Tribunal at Dhanbad presided over by Shri Salim M. Merchant for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 (XV of 1947). As his service subsequently became unavailable due to his transfer to Bombay, the aforesaid Government withdrew the said proceeding under Section 33B(1) of the said Act and transferred the same to the Industrial Tribunal at Dhanbad presided over by me for disposal by its Order No. 4/47/59-LRII dated the 13th January, 1960.

2. The issues after amendment as contained in the Schedule II to the order of reference stand as follows:—

1. Uniform rates of wages for watchmen.
2. Issue of photo identity cards for watchmen.
3. Uniforms for watchmen.
4. Hours of work and payment of overtime for watchmen.
5. Holidays and leave with pay for watchmen.

3. Before I take up the consideration of the issues I must dispose of the two legal objections raised by the lawyers of the management during the hearing. These are viz. (1) the different shipping companies which engaged the services of these watchmen should be made parties in the present case, (2) the reference

is bad because the Central Government is not the appropriate government as per section 2(a)(1) of the Industrial Disputes Act, 1947 (XIV of 1947) and also that the Tribunal has no jurisdiction to decide this dispute. Regarding the making of parties of the shipping concerns I have by my Order No. 28 dated the 7th March, 1960 considered elaborately how the prayer is not tenable. My reasons were that the workmen in the present case cannot agitate their claim against the shipping concerns because there is no privity of relationship of master and servant between them. They are contractors' men pure and simple. So on the basis of the case of Darandhara Chemical Works *versus* their workmen decided by the Hon'ble Supreme Court reported in 1957—Vol. I, L.L.J.P-447 they can have no claim against the shipping concerns. There cannot be any industrial dispute between them. The relationship of master and servant is essential to constitute an industrial dispute. If there is any contract of service, that must have been between those shipping concerns on the one hand and the present employers, namely, the contractors on the other. These contractors are not mere intermediaries. They are not agents to recruit these workmen to be employed by the shipping concerns. Not only do they recruit these watchmen for themselves but they regulate their condition of service, make payment of their wages, take disciplinary action where necessary. Thus to all intents and purposes they are employers or masters of the watchmen concerned. So I turn down the contention, namely, that the shipping concerns are either necessary or proper parties in the case.

4. Regarding the second objection the learned advocate on behalf of the management has relied on a case of P. K. Pillai Vs. Burmah Shell Oil Storage and Distribution Co. of India Ltd. reported in A.I.R. 1958 Cutch page 9. His contention is that though the Burmah Shell Company had an office in Kandla port and was doing business in the said port, the dispute between it and its workmen was held to be dispute not relating to a major port. So the Central Government was found not the appropriate government in that case. It may have escaped the notice of the learned lawyer that their Lordships of the Hon'ble Supreme Court in the same breath found that the matter might be different if there was a dispute between the port authorities and their workmen or even between the people doing the port work and their workmen. I rely on the later portion namely, "between the people doing the port work and their workmen." I find in this case that though the work was not between the port authorities and their workmen yet it was between the people doing the port work and their workmen. That Calcutta Port is a major port has not been disputed. These watchmen were in respect of cargoes either stored in the deck of a ship or in the dock. They stood on guard duty in the dock to prevent any pilferage or theft in connection with the cargoes left in their custody. So they were doing dock work. The management has relied on Act No. IX of 1948 passed by the Dominion Legislature to provide for regulating the employment of dock workers. If I turn to the definition of "dock worker" as given in Section 2 thereof, I get:

"Dock worker" means a person employed in the vicinity of, any port on work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes or leaving port."

In Section 2(c) I get the definition of an employer as:

"in relation to a dock worker, means the person by whom he is employed as aforesaid."

In Section 2(d) I get:

"Government means, in relation to any major port, the Central Government."

5. Now if I consider the duties discharged by these watchmen I find that they were employed in the vicinity of the port if not in the port itself or in the ships calling at the port in connection with the loading, unloading or storage of cargoes. They remained on constant watch while the cargoes were being loaded or unloaded. They also worked in connection with the preparation of ships for the discharge of cargoes or leaving port. Now their employer as per section 2(c) is not necessarily the dock authorities. Any employer who employs them on such work comes under the said definition. Again if I turn to the Calcutta Unregistered Dock Workers Scheme, 1957 I find in Section 3 that dock work has been meant work ordinarily performed by dock workers of the classes to which this scheme applied. Dock employer means the person by whom a dock worker is employed as above. Of

course, in the schedule given to the said Scheme watchmen like those before me have not been mentioned. But I get from the above definition that dock work means a kind of work not necessarily performed by dock workers. The other people doing the same or similar job might be said to be doing dock work under the above definition. In the present case these watchmen were doing guard duty on the dock or in the ship berthed in the dock. These duties are also done by regular dock workers. So these watchmen can very well be said to be dock workers as is understood in the different Acts. That being so they come under the clause "between people doing dock work and their workmen" occurring in the aforesaid Burmah Oil Storage Company's case. Their Lordships have definitely stated that such dispute between the people doing the dock work and their workmen was not governed by the aforesaid decision. Then I come to the definition of the appropriate Government under Section 2(a) of the Industrial Disputes Act, 1947. This section provides that the Central Government would be the appropriate Government in relation to an industrial dispute concerning a major port. I have already noticed that Calcutta port is a major port. Then the Central Government is the proper authority to make the reference. The dispute is one between employers and their employees concerning the term of employment or condition of service. So it is an industrial dispute as defined in the Act. That it concerns the major port is manifest from the fact that the work is done in the dock of the port itself, or in the ship berthed in the dock. So there is no room for thinking that the present dispute is not an industrial dispute or that the Central Government is not the appropriate Government in the instant case. The present Tribunal is thus competent to adjudicate this dispute and the reference is in order. This disposes of the preliminary objection of law.

6. Next, I proceed to the consideration of the issues.

Issue No. 1:

It is the contention of the union that the employers named in Schedule I generally under-cut the wages of their workmen to make their tender acceptable to the different shipping companies which call at the Calcutta Port. The result is that the wages which are received by these watchmen are variable and as a result they are being sweated. What they want is that the rates of wages payable to watchmen in this port should be made uniform. The management, I mean these companies oppose this claim firstly, because the rates are bound to vary. The wages depend on the rates which are accepted by the different shipping companies reserving merely a certain moiety of marginal profits to those employers. Secondly, the financial position and the stability of those employers is not the same. What one employer can afford is beyond the capacity of the other employer to pay. Besides the utmost limit of wages in such cases cannot be fixed with anything like certainty. If it is limited, then it is bound to react on some workmen who were lucky enough to be recipient of higher wages. Considering the matter carefully I am also inclined to think that it is very difficult to achieve uniformity of wages under such cases. There being competitive tenders, there must be sufficient margin of scope of the amount of such tenders. That being so, the rates which are dependent on the total amount of tender reserved, with some profit to the employers are bound to be variable. But at the same time I appreciate the difficulties and the grievances of the workmen if they are left totally at the mercy of such tenders or as a matter of that, upon the caprice of the employers. Under-cutting of wages is also bound to occur in such circumstances. So some uniformity should be prescribed at the lower level, below which it will not be permissible for any employer to employ these watchmen. The minimum standard being thus ensured, the watchmen will be safeguarded against sweating and under-cutting of rates. Regarding the upper limit it cannot be demarcated for obvious reasons. It should not also be demarcated. That will ultimately have repercussions on the restriction of trade. I called for a report of the different rates of wages which are given by these employers before me. I get the rate in Annexure 'A' to the written statement of the union. I find from it that the rates vary from Rs. 2/-, Rs. 2/8/-, Rs. 3/- and also Rs. 4/- per shift per day. For the night shift there is again slight variation. There is, of course evidence that the rates also go much higher than this. Now if I consider, namely, that these watchmen do not get employment throughout the month and excepting in one or two companies the period of their service is not guaranteed, I must hold that their daily rate per shift should be a little more than what it ordinarily is elsewhere. I have been asked to fix the guaranteed period of employment in these cases. But as I have from the evidence, namely that there is no certainty when a ship would call at the port and even when there is a ship at the port, there is no knowing as to which of the employers would succeed in having his

tender accepted, I cannot in the very nature of things fix any guaranteed period of employment under any of these employers. If the flow of work was systematic and perennial, then of course, I could fix such guaranteed period. As it is I am unable to fix it. Inter-connected with this question is the question of daily rate. I have called for different charts from different companies to see the average number of days such workmen are employed. The result is far from being uniform. If on the average I take their employment to be 15 to 20 days in a month, that seems to be rather reasonable under the circumstances except the very lucky few who get work throughout. I think that daily rate should not be less than Rs. 3/8/- per shift per day. My attention is also drawn to the fact that sometimes they work in two shifts and so earn something like Rs. 7/- or 8/- per day. Firstly, such work is more of the nature of an exception than a rule, Secondly, if we consider that one shift is of 8 hours with hardly any recess, then to work for two shifts will entail onerous strain on the watchmen concerned. If they do it, they do it out of dire necessity, because their daily earning is hardly sufficient for their living. So these double shift working can have no bearing on the matter of fixing of wage. It is next, argued by the learned lawyer of some employers that in the third Major Engineering Tribunal of 1958 in West Bengal Rs. 35/- was the minimum monthly wage fixed of unskilled workers and Rs. 36/- was the minimum dearness allowance fixed. So the total earning is Rs. 71/- which has since been raised to Rs. 74/- per month. But that is clearly distinguishable because in such engineering industries the workmen had their work assured throughout the month. There is no respite and no break. But in the case of these watchmen before me break more often happens than not in a month. So I think this award of the third major Engineering Tribunal can have no bearing on the present matter. The learned advocate on behalf of the Unions argued on the basis of price of foodstuffs, clothing and shelter as constituting the minimum needs of the watchmen and tried to evaluate them. He called upon the Tribunal to fix the minimum wages accordingly in such cases. He drew my attention to the decisions of the Conference of Ministers held at Delhi in connection with this last year. But I am afraid the very nature of things in the present case stands in the way of fixing of minimum wages. Unless the period of work in a month is fixed, how can the daily rate be determined? One may be employed for 3 weeks in a month or one may be employed for hardly two weeks. The daily rate in such cases cannot be fixed with anything like certainty. So the fixation of minimum wages by such method will not be feasible such that it may remove disparity of wages at the bottom level. So I am left with the prevailing rates of wages to fix the uniformity required under this issue. Having regard to the prevailing rates of wages also to the need of the employees and to the length of employment I fix Rs. 3/8/- as the minimum wage that should be paid by all these employers as the lowest rate per shift per day. That is the only uniform wages that can be achieved in the present case. I have not considered in this connection the peculiar financial position of each of the employer concerned. I do not think that it is at all relevant in the present case. They have to pay this wage to do justice to the watchmen concerned. They have to adjust the tenders accordingly. If all the employers act in common concord with this, there is no question of any of them sustaining any loss. Regarding the union's contention, namely that the wage should be split up into basic and Dearness Allowance I am unable to accede to. The prevalent practice I find is based on consolidated wages. I do not think that time has come when this should be split up. That can be done when the wages are fixed with certainty or any scale is given.

Issue No. 2.

Regarding this issue there is not much scope for any difference. I am told that the port authorities insist on the possession of identity cards by watchmen while entering the port area. So identity cards must be given as of a necessity. Such identity cards should contain photos. As these watchmen work under different employers from time to time, I award that the expenditure on the score of photo must be personal to these watchmen. There can be no reason why one employer should pay for photo identity cards for watchmen who happen to go over and serve under another employer. Such photo identity cards are not left behind. So the cost of the photo should be borne by the watchmen concerned.

Issue No. 3.

Regarding the uniform I find that some employers give it while others do not. Even those who give it also differ in the extent or the number of uniforms supplied. The employers also contend that the cost of the uniform must go into the reckoning

while fixing the wage. Of Course, dress forms a constituent factor in the fixation of wages as much as the items of food and housing. But uniforms stand on a different footing. Just as the Factories Act insist on wearing of close fitting garments by the workmen employed in factories, so uniforms may be necessary for the discharge of particular kinds of duties. As these are watchmen, uniform is a necessity. Watchmen in plain clothes can hardly discharge their duties qua watchmen. They must be distinguished from the ordinary public or public dressed in ordinary clothes. So it is incumbent on the employers just to supply uniforms to the watchmen. But then the question arises that as these watchmen do not serve under one particular employer for all time to come but carry the uniforms along with them when they change over to another employer, why should one employer be made to pay for such uniforms in such cases? The way out seems to lie in the fact that if the uniforms are required to be left behind, when the service of one watchman terminates under one employer, there can be no grievance on this score. The employers will be spared for supplying fresh uniforms to new people engaged. The uniforms are there and they may continue to be used till they wear out. So while I award the supply of uniforms to watchmen by the employer I make it subject to the restriction that they are to be left behind by the watchmen when their services end under one employer. Two sets of summer uniforms and one set of winter uniform will be necessary in a year. There should be washing charges of Re. 0-6-0 per month per uniform and the employers should pay it to the watchmen concerned to keep the uniforms clean. The washing charges of winter uniform are more but the washing is less in winter months. The present cost of washing will be adequate also in winter months. For the uniform in summer I provide one khaki trouser, one khaki coat and in winter one trouser and one coat or jersey made up of woollen stuff. Shoes should be given one pair in a year because in docks where they work there are pricking nails. It is not safe to go bare footed. The employer is to bear the costs. So the issue is disposed of accordingly.

Issue No. 4:

Regarding the hours of work, the work is under three shifts of 8 hours each. There is no dispute about it. It is only for payment of overtime that there is a dispute. Most of the employers have conceded that they are prepared to pay overtime at double the normal daily rate if they are so employed. But their contention is that there is hardly any occasion for doing overtime work. But I get in evidence that when one shift ends and the man in the next shift does not turn up, the watchmen of the previous shift has got to continue. He makes over charge only when the man in the other shift turns up. This is certainly overtime work. I award that for such overtime work, the workmen concerned should be paid at double the normal rate proportionately.

Issue No. 5: Holidays and leave with pay.

The workmen have claimed holidays and leave with pay on par with the dock workers or at least on the analogy of what is obtained by the dock workers for such work. But I must point out straightaway that such claim is an extravagant claim. Dock workers stand on an entirely different footing. Because both these watchmen before me and the dock workers work in the same place or do similar kind of work their wages and conditions of service cannot be necessarily accepted to be similar. The employers are different, the conditions of service are not similar. So such claim cannot be entertained. The employers oppose the claim emphatically because they contend that these watchmen are merely casual or temporary watchmen, employed when there is any necessity for their service due to the arrival of the ship in the port. 'No work no pay' is the basis of their wages. The watchmen on the other hand claim that they should be treated as any other kind of workmen. They have to apply for leave. They sometimes participate in bonus. They sometimes get some payment when they return from leave. So they cannot be classed as casual workers. But from the evidence I get that these watchmen under some employers are required to apply for leave. There is no occasion when such leave has been refused. There is no payment of wages during such leave. So application for leave is merely for informing the employer that he will not be available. Nothing more than that. Sometimes when they return from leave the employer pays something as the cost of their journey but that is more by way of bounty than as a condition of service. Bonus is never a normal feature. Where bonus is given, it is given purely as an act of charity. The very nature of their service puts them on the status of casual workers. There is no certainty whether any particular employer will get the contract. Equally uncertain is the service of these watchmen for the purpose of employment. Their length of service also terminates under an employer as soon the work is finished. There is no impediment in their way of joining other employer and changing the masters. So it is absolutely clear that

they are nothing better than a casual or temporary worker. Once this is found, the question of holldays and leave with pay cannot arise. But I have found that in some cases there are some watchmen who are retained by the employer for more than a year. So there should be some provision for leave in such cases, otherwise it will go hard with such workmen. So I award that if a particular watchman in course of one calendar year has rendered service under one particular employer for more than 240 days, then he should be entitled to get 15 days leave with full pay provided he returns to the service to the same employer after the expiry of the year. Regarding the sick leave I am unable to make any provision 'No work, no pay', being the rule, sick leave cannot be provided for. But I grant 3 days holldays in a year as paid holidays even to such watchmen who are casual workers. These are for work on Independence Day, Republic Day and Mahatma Gandhi's Birth Day. The Central Government has also practically declared those holldays as National Holidays. So employers should have no grievance on this score or should not grudge granting such holidays to these watchmen.

This is my award,

DHANBAD;

The 29th April, 1960.

(Sd.) G. PALIT, Chairman,
Central Government Industrial Tribunal,
Dhanbad.
[No. 28/7/59/LRIV.]

ORDER

New Delhi, the 9th May 1960

S.O. 1230.—Whereas in the opinion of the Central Government, a doubt has arisen as to the correct interpretation of paragraph 1(a) of Annexure A to the Award of the Industrial Tribunal at Delhi, published with S.O. 2585, dated the 13th November 1959, in the Gazette of India, Part II, Section 3, sub-section (ii), dated the 21st November 1959; on the question specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 36A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said question for decision to the Industrial Tribunal, Delhi, constituted under Section 7A of the said Act.

SCHEDULE

Whether the workmen of the Shahdara-Saha anpur Railway drawing a basic pay exceeding Rs. 250 per month are entitled to the increase in dcarne's allowance of Rs. 3 per month in accordance with paragraph 1(a) of Annexure A to the award of the Industrial Tribunal, Delhi, published with S.O. 2585, dated the 13th November 1959.

[No. 2/4/60/LRIV.]

P. R. NAYAR, Under Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 10th May 1960.

S.O. 1231.—In exercise of the powcrs conferred by Section 28 of the Public Debt Act, 1944 (18 of 1944), the Central Government hereby makes the following amendment of Rule 4 of the Public Debt Rules, 1946, the same having been previously published as required by Sub-Section (1) of the said Section, namely:

For the existing Rule 4, the following shall be substituted:—

"4. Form of Government Security which may be prescribed under Section 2.—

The Government may, by notification in the official Gazette,

(a) in relation to any Security to be issued under Sub-clause (a) (iv) of clause (2) of Section 2 of the Act, specify the form thereof; and

(b) in relation to any Security to be issued under Sub-clause (b) of clause (2) of Section 2, for the purpose of the Act, specify the form thereof including the provision for the transferability or otherwise of such Security."

[No. F. 3(1)-W&M/60.]

S.O. 1232.—In exercise of the powers conferred by Clause (b) of Rule 4 of the Public Debt Rules, 1946, the Central Government hereby specify that the following shall be the form of a Government Security for the purposes of Sub-clause (b) of Clause (2) of Section 2 of the Public Debt Act, 1944 (18 of 1944), namely:—

FORM

GOVERNMENT OF INDIA

Dated, the.....

For value received, the President of India hereby promises to pay to the Government of the United States of America, on demand, the sum of Rupees.....

2. Interest at the rate of one and a half per cent per annum would be paid on the aforesaid amount from the date of issue of this Note to the date immediately preceding the date on which the Note is discharged.

3. All payments referred to above shall be made by credit to the account with the Reserve Bank of India styled "The U.S. Disbursing Officer—American Embassy, New Delhi" for and on behalf of the Government of the United States of America in accordance with any general or special instructions received from that Government through the U.S. Embassy, New Delhi.

4. The Note is Non-Negotiable.

By order of the President of India,
Governor, Reserve Bank of India".

[No. F. 3(1)-W&M/60.]

SHIV NAUBH SINGH, Jt. Secy.